

**UiO : Faculty of Law**  
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# Addressing resistance to human rights in human rights education

The case of Indonesia

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## Abstract

Human rights are far from undisputed and far too often tensions and disagreements arise when human rights and their universal nature are taught to audiences in local contexts. This study analyses the way resistance to human rights is addressed in human rights education in Indonesia through answering the two following questions: First, *how does resistance to human rights manifest itself in human rights education activities?* Second, *what do human rights educators do to counteract the various forms of resistance to human rights?* This study is based on a qualitative approach and consists in observations, semi-structured interviews with experts involved in human rights education in Indonesia and in Geneva, as well as literature. Findings show that resistance is rather widespread and confirm its categorisation into three main types of resistance: the perception that human rights is a Western and imposed concept; that human rights is a threat to religion; and that human rights unduly emphasise on rights to the detriment of obligations of individuals. Five categories of concrete techniques or responses by educators have been identified: presenting human rights as an international or national concept depending on the type of audience and resistance; presenting human rights as a legal or religious concept depending on the type of audience and resistance; adopting techniques to explain the concept of state obligations to an audience emphasising the obligations of individuals; adopting techniques to address sensitive issues; and adapting the teaching method to the type of audience and resistance. While certain interesting techniques have been reported, there is however limited awareness and response to the serious challenges raised by this resistance. This study calls on human rights scholars and educators to consider this so far neglected issue and reflect on measures to better understand and address resistance to human rights in human rights education.

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# 1 Introduction

## 1.1 Research framework

### 1.1.1 Research theme and motivation

Human rights can today be considered as one of the most promoted and diffused aspirational concepts in recent history. Numerous international, national and local actors are involved in the field of human rights, not least in human rights education and training activities. Human rights, however, are far from undisputed and far too often tensions and disagreements arise when human rights and their universal nature are taught to audiences in local contexts. In Indonesia, as in numerous other countries, negative perceptions towards human rights, often manifested in debates in the media, are also to be found in human rights education activities and potentially undermine the aim and results of such activities. “Human rights is a foreign or Western concept!”, “human rights undermines our religion and culture!”, members of the audience for instance claim. What types of challenges arise from such claims? What do human rights educators respond to these claims? Is this resistance to human rights addressed in human rights education activities and how is it addressed? This study will examine resistance to human rights in human rights education using Indonesia as a case.

I have decided to write about the issue of *resistance to human rights* because in my view it constitutes a crucial challenge that needs to be addressed by the human rights community and in particular by persons involved in human rights education. I believe indeed that scholars and human rights educators, including international, national and local actors, will benefit from a comprehensive study on the teaching of human rights in a context of resistance to human rights, such as can be found in Indonesia. The understanding and acceptance of human rights knowledge and values is often severely hampered by manifestations of resistance such as prejudice against everything perceived to be “Western” or “modern”. Scepticism and opposition to human rights creates dilemmas for human rights educators that, if not addressed,

can perpetuate or create even more resistance to human rights and thus render human rights promotion and diffusion in Indonesia and elsewhere counter-productive.

My particular interest in *human rights education* as a topic in its own right comes from working in 2011 at *Geneva for Human Rights – Global Training (GHR)*, a training organisation specialised in the functioning of the international and regional human rights systems, in particular the UN, as well as holding seminars to Master students for the course “Introduction to Human Rights Law” at the *Norwegian Centre for Human Rights (NCHR)* in 2012.

My choice of *the case of Indonesia* has to do with the fact that I worked as an intern in 2012 for the human rights studies centre *Pusham UII* in Indonesia,<sup>1</sup> one of the main partners of the Indonesia Programme at the Norwegian Centre for Human Rights. Here I carried out and participated in research and in training to judges, human rights activists and university students.

In this study I will observe, research and analyse what people involved in human rights education in Indonesia do to address resistance to human rights in their educational work. In this way the thesis has three objects of study:

- 1) *participants’ resistance to human rights in its various manifestations* such as scepticism towards anything perceived as ‘Western’ or as threatening religion, culture, etc.;
- 2) *the measures taken by human rights educators to address this resistance*, for instance stressing how human rights primarily is about state behaviour rather than individual behaviour or universal morals; and
- 3) *Indonesia as a learning context* with its particular manifestations of resistance (local ideas about human rights) and traditions for overcoming scepticism and opposition.

The examination of this theme necessitates of course clarification of the terms “human rights education” and “resistance to human rights”, to which we will return under section 1.1.4.

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<sup>1</sup> Center for Human Rights Studies of the Islamic University of Indonesia.



Several authors have covered issues such as Indonesia and human rights,<sup>2</sup> the perception of human rights in Indonesia,<sup>3</sup> human rights education in Indonesia,<sup>4</sup> and to some extent human rights education and resistance to human rights in general or in other countries.<sup>5</sup> These writings give a good insight into the causes and consequences of the negative perception of human rights in Indonesia and shed light on practical difficulties of implementing human rights in Indonesia; they also give examples of how this problem of resistance to human rights is dealt with in general or in other countries. All this material is highly relevant for the problem I want to discuss, however, none of it gives a comprehensive picture of how human rights educators in Indonesia deal with resistance to human rights.<sup>6</sup> Considering this knowledge gap, my work seeks to 1) fill this gap, and 2) inscribe itself in the scholarly debate about human rights education in the general context of resistance to human rights.

### 1.1.2 Research questions

I have formulated the following two questions in order to analyse the way resistance to human rights is addressed in human rights education in Indonesia:

1. How does resistance to human rights manifest itself in human rights education activities? What types of resistance can we identify?

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<sup>2</sup> See for example Eldridge (2002); Juwana (2003); Human Rights Watch (1989).

<sup>3</sup> See for example Asplund (2009); Arifin (2010).

<sup>4</sup> See for example Wiratraman (2007); Asia-Pacific Human Rights Information Center (2009); Said (2006); Miswanto (2010).

<sup>5</sup> See for example Asia-Pacific Human Rights Information Center (2011); Choules (2011); Hafer (2012); Bowie (2011); Plantilla (2012).

<sup>6</sup> Said (2006) and Miswanto (2010) address resistance in relation to human rights education but in very limited settings.

Understanding the origin and nature of this resistance to human rights will allow us to draw a detailed picture of the many manifestations of opposition and scepticism to human rights in human rights education activities in Indonesia.

2. What do human rights educators do to counteract the various forms of resistance to human rights? What are the typical challenges they have to confront and what type of measures do they take to address these challenges?

The second question looks at the response given by human rights educators in Indonesia. Here I will identify, describe and discuss the techniques and mechanisms used to answer the different types of challenges.

In answering these two questions, this study will also to some extent draw comparisons and identify patterns of similarity or dissimilarity between Indonesia and other countries. By way of this comparative analysis I will also discuss whether the challenges found and the measures taken in Indonesia can prove useful in other countries and vice versa.

### 1.1.3 Hypotheses

In order to answer the abovementioned research questions, I have made the following hypotheses so as to define clear statements and predictions that can be tested. As suggested, resistance to human rights is widespread in human rights education activities, it is of varying nature and origin, and may manifest itself in many different ways and situations.

1. Resistance is often manifested in negative views about human rights, views that might be embedded in, for instance, local culture, religion, belief and political traditions. The main types of resistance reported from Indonesia seem to be the perception that human rights is a foreign concept coming from the West and that is imposed on Indonesians; that they represent a competing moral ideology threatening people's religion; that they unduly emphasise rights to the detriment of obligations and focus on individuals rather than the community; and, finally,

that they are something that allows human rights activists to enrich themselves with large sums of money allocated to human rights promotion.<sup>7</sup>

2. Human rights educators know that resistance to human rights is an important part of their work and adapt their work so as to take it into account. As a minimum, they do this naturally and without fully realising it, simply because it is obvious to them that they are faced with this certain perception of human rights.

This tacit knowledge among human rights educators can be ascribed to two different reasons. Firstly, all teachers will know that there will always be “resistance” against learning new things, i.e., as teachers they will always have given some thought to how to present new things in interesting and inspiring ways to overcome all “general resistance”. Secondly, as human rights practitioners and as Indonesians, they will know what the typical objections or “specific resistance” in the field of human rights are.

Human rights educators use a number of techniques or ‘tricks’ to overcome the typical challenges posed by resistance to human rights:

- varying the presentation of human rights as belonging to the fields of law, or moral philosophy and religion, depending on the different target groups and the type of resistance to human rights in the audience;
- presenting human rights as a local and national concept as opposed to a foreign or international concept, thereby “domesticating” human rights in order to connect it to the domestic context;
- adopting techniques to explain the mechanisms of state obligations and rights of individuals (for instance through the concept of the power and authority of the state vis-a-vis individuals) in the Indonesian context, which tends to emphasise rather the collective good and harmony as well as the obligations of individuals;
- adapting the teaching method (type of material used, format of the courses, type of language that is used, way the arguments are presented to the audience, way the needs and concerns of the audience are dealt with) and the approach as to the different target

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<sup>7</sup> See Asplund (2009); Said (2006).

groups (efforts to engage members of the group or influential leaders in the human rights education activities, and use of trainers belonging to the target group);

- adopting techniques to address possible controversial issues such as freedom of religion and belief, LGBTs and women's rights to an audience resistant to these issues (for instance taking special care before presenting the issue, using role-plays and other exercises, and drawing on religious and cultural arguments), as well as techniques to address other potential negative perceptions of human rights.

These examples speak of pedagogical experience and creative thinking. However, the various techniques described here are generally not fully and systematically applied.

Finally, it is important to briefly describe the Indonesian context and its main characteristics. Indonesia is a big country, the biggest in South-East Asia, with a large and diverse population including numerous ethnic, religious and linguistic groups. There is a wide range of different cultures and traditions that often hold a central place in people's lives. Despite the religious diversity, a vast majority of the population adheres to one religion, Islam, which plays an important role in society and politics. While there are several serious cases of religious extremism in the country, most Indonesians, including Muslims and other religious communities, can be said to be moderate. Moreover, one needs also to keep in mind that Indonesia is in a period of major changes, with a transformation to democracy after many years of one-party and dictatorial rule (as explained below in section 1.2.1), with political and legal systems and institutions still developing and evolving, and with a rapidly growing economy.

Several historical, political, legal, social and religious elements particular to the Indonesian setting therefore limit the relevance of the findings of this study to the case of Indonesia. Numerous issues and challenges are specific to the national and local context and responses by human rights educators are thus primarily to be understood in this context. However, we may also observe similarities between Indonesia and other countries in the way they share certain types of negative perceptions about human rights as well as in the challenges these perceptions pose and the measures human rights educators take to address them in their activities. This is

particularly the case regarding challenges and measures related to the type of target groups (for instance military, police or law enforcement officers, religious leaders) or controversial issues such as freedom of religion, LGBTs and women's rights. In this way the study is, at least to some extent, relevant for understanding resistance to human rights in human rights education in other countries too, just as studies of this issue in other countries can be valuable for analysing how resistance is addressed in the Indonesian context.

#### 1.1.4 Operationalisation and definitions

Before entering into the substance of the topic of the thesis, operationalisation and clarification of both terms *human rights education* and *resistance to human rights* are needed. While not everyone might agree on the whole and exact content of *human rights education*, in my work it will refer to “all educational, training, information, awareness-raising and learning activities aimed at promoting universal respect for and observance of all human rights and fundamental freedoms”.<sup>8</sup> Such a broad definition will allow me to include the different types of activities I have attended while working at *Pusham UII*, that is human rights training and education activities targeting judges, university students and civil society at large. Moreover, it will also cover the numerous training and education activities carried out by professionals I have met and interviewed for the thesis, i.e. activities targeting for instance university students and lecturers, religious and community leaders and members, lawyers, indigenous groups, minorities and human rights activists.

As for *resistance to human rights*, this term will be conceived so as to incorporate all kinds of negative perceptions on human rights and their effects, emerging from sources such as culture, belief, religion and tradition to take some examples. It thus includes negative views on diverse elements or parts of human rights, for instance their substance, form, meaning, and use, covering all the different negative opinions about human rights I have encountered in human rights education activities in Indonesia.

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<sup>8</sup> *Declaration on Human Rights Education and Training* (2011) art.2. This definition is common to human rights education and training. I will indeed make no such distinction in my paper but still use the term *human rights education* to mean both education and training, as a means of simplification.

## 1.2 Historical and institutional framework

Following the presentation of the research framework, this section will now give some background. The elements identified as needing explanation are the following: the situation in Indonesia concerning 1) human rights, 2) human rights education, and 3) resistance to human rights.

### 1.2.1 Indonesia and human rights

Indonesia's recent history since independence is full of authoritarianism and numerous grave instances of human rights abuses under the reigns of Sukarno (1945-1968) and Suharto (1968-1998).<sup>9</sup> Since the fall of Suharto and his New Order administration, the Indonesian government has sought to show its will to break with past authoritarianism and abuses through a process of democratisation and the promotion of human rights. The government has taken several democratising measures, formally recognised that Indonesia is a pluralistic society, and strengthened its constitutional and legislative human rights framework through, i.a., revising its Constitution and inserting new articles on human rights<sup>10</sup>, adopting a law on human rights<sup>11</sup> and further harmonising domestic laws with international standards. Indonesia is a party to several of the main international human rights instruments, including the ICCPR, the ICESCR, the CEDAW, the CRC, the CERD, the CRPD and CAT. Several bodies dealing with human rights have been established, such as *Komnas HAM* (the National Commission on Human Rights) as early as 1993, and later on the *National Commission on Violence Against Women*, Human Rights Tribunals and the Constitutional Court, although many challenges remain in particular in terms of mandates, resources and human rights expertise and interpretation.<sup>12</sup>

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<sup>9</sup> See Bouchier and Hadiz (2003) p.234.

<sup>10</sup> 1945 Constitution of the Republic of Indonesia.

<sup>11</sup> Law No.39/1999 on human rights.

<sup>12</sup> The Human Rights Tribunals are for instance very controversial as they can be considered in practice to be granting de facto impunity to authors of gross human rights violations.

However, numerous elements give cause for serious concern regarding the human rights situation in Indonesia. The government has failed to ratify several UN and ILO Conventions such as those related to indigenous peoples and it has made a number of reservations to ratified treaties. In addition, there is a considerable gap between normative commitments and enforcement mechanisms. The government has accepted none of the individual complaints procedures at international level and there is a low number of claims and demands for rights by individuals at national level (due to inexistent or weak enforcement mechanisms but also a lack of public awareness of the law). Existing laws and policies are generally not or only partially implemented, numerous local laws and policies are not in accordance with national and internationally agreed standards, and the OHCHR human rights adviser position was terminated in early 2010 at the request of the Government.<sup>13</sup>

Also in society at large many human rights problems persist, including recurrent racism, discrimination and violence against indigenous peoples, religious and ethnic minorities, migrants, women, LGBTs and persons with disabilities, and there are land conflicts between local communities and multinational or national companies that involve human rights violations. Furthermore, the application of the death penalty is surrounded by controversy, there are frequent instances of torture, ill-treatment and excessive use of force by the police and armed forces, there is on-going impunity for past gross human rights violations and there are difficult economic and social conditions, poverty and lack of access to health and education.<sup>14</sup> Finally, there are longstanding critical situations of conflicts in different parts of the country, in particular in Papua where numerous cases of violence, arbitrary arrests and killings were reported and where access for the media and human rights organisations is severely restricted.

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<sup>13</sup> OHCHR, *Compilation prepared in accordance with Paragraph 15(B) of the Annex to Human Rights Council Resolution 5/1 – Indonesia* (2012), pp.1-6.

<sup>14</sup> *Idem*, pp.6-13.

### 1.2.2 Human rights education in Indonesia

In the Indonesian government's drive towards democracy, the recognition of a pluralistic society and human rights since the fall of Suharto and his New Order administration, human rights education has received particular attention, as illustrated by the setting up in 2000 of the National Working Group for Human Rights Dissemination and Promotion (NWG) to implement human rights education in the whole country.<sup>15</sup> The government has indeed put considerable effort in promoting and disseminating information about human rights in the past few years. Activities related to human rights education are part of the activities orchestrated by the Indonesian National Plan of Action on Human Rights<sup>16</sup> and measures have been taken to set up human rights education programs at schools and institutions of higher education, integrate human rights issues in national curricula at all levels from elementary schools to universities, initiate human rights courses and establish human rights centres such as *Pusham UII*.<sup>17</sup>

A particular target group has been law enforcement officials, military and police officers, who have been provided with specific human rights training. In collaboration with national human rights commissions, educational institutions, civil society organisations, as well as international partners, human rights education and training activities have also been conducted for members of the national and provincial/district committees on the implementation of the Human Rights National Action Plan, targeting a wide range of audience composed of trainers, facilitators, civil service police units, police officers, teachers, and community leaders among others.<sup>18</sup>

In addition to, and independently from the efforts of the government, a very wide range of actors in civil society are involved in specific human rights education and training thus

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<sup>15</sup> Said (2006) p.6.

<sup>16</sup> The latest version is the Indonesian National Plan of Action on Human Rights 2011-2014.

<sup>17</sup> Asia-Pacific Human Rights Information Center (2009), in particular pp.55, 71; Indonesia, National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21 (2012), para.12-18.

<sup>18</sup> Indonesia, National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21 (2012), para.12-18.



making human rights education available for groups and individuals across the country. Depending on their wishes and needs, members of the Indonesian population, including university students and lecturers, religious and community leaders and members, lawyers, indigenous groups and minorities, and of course human rights activists, may now deepen their knowledge and understanding of the whole range of human rights or specialise on specific topics such as freedom of religion and belief, indigenous peoples' rights, minorities' rights and LGBT rights to name a few.

### 1.2.3 Resistance to human rights in Indonesia

Despite these efforts towards broader recognition of human rights and initiatives in the field of human rights education, there continues to be opposition to human rights in Indonesia, generated by what can be described as “deep-seated cultural and religious ideas”.<sup>19</sup> While certainly not all Indonesians have a negative perception of human rights, a rather wide-spread resistance to human rights can be found in the country, often generated by ideas embedded in, for instance, local culture, religion, belief and political traditions. As suggested in section 1.1.3, human rights are sometimes perceived as a foreign concept from the West and imposed to Indonesians, as unduly emphasising rights and not obligations and focusing on individuals rather than the community, as representing a competing ideology threatening people’s religion, or as allowing human rights activists to enrich themselves with large sums of money allocated to human rights promotion.<sup>20</sup>

Drawing a clear and detailed map of the origins, reasons and forms of resistance to human rights in Indonesia is a difficult task for a limited study such as this one. One nevertheless can point to certain elements that necessarily come into play. Although it is clear that human rights cannot be considered as an entirely new issue in Indonesia (the 1945 Constitution for instance already contained basic human rights principles and the role of human rights in Indonesian history has regularly been stressed and even acknowledged by the

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<sup>19</sup> Asplund (2009) p.29. It is also interesting to note the existence of what Hikmahanto Juwana describes as the “negative public perception towards the over-emphasis on human rights”, see Juwana (2003) p.667.

<sup>20</sup> See Asplund (2009); Said (2006).

government),<sup>21</sup> the fact is that its current modern manifestation and broad diffusion across Indonesian politics and society is a rather recent phenomenon,<sup>22</sup> and the acceptance and embracement of all recent ideas, conceptions and ways of thinking generally take some time. Moreover, resistance to human rights in Indonesia is related to the perception people have of the state and the manner in which power is conceived, which can be very much attached to local culture and religion and quite different from the idea of a social contract.<sup>23</sup> Finally, another layer of complexity is added by the fact that the abovementioned manifestations of resistance are often inter-linked.

An illustration of the latter point can be found in debates concerning human rights and religion, in our case more specifically human rights and Islam. Indeed, resistance to human rights from Muslim religious leaders or scholars seems often to be connected to the perception that human rights is a Western hegemonic force, a concept that emphasises individual freedoms to the detriment of the community and God's regulations, a set of rules that threatens to supplant Islam or make it secondary to human rights, or more generally a tool for globalisation and change.<sup>24</sup>

### **1.3 Structure of the thesis**

After presenting the research background, defining the research questions and hypotheses as well as explaining the situation of human rights, human rights education and resistance to human rights in Indonesia, chapter 2 addresses methodological issues and elaborate on the research design, the selection and gathering of data, as well as the interpretation and quality of the research. The findings are presented and discussed in the two following chapters. While chapter 3 deals with participants' different types of resistance, chapter 4 reveals the answers

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<sup>21</sup> Arifin (2010), in particular p.95; Evanty (2011), in particular p.32.

<sup>22</sup> Both external pressure and internal mobilisation towards democracy and human rights can be said to have contributed to major changes in the political and social settings in Indonesia, from the 80s to the 90s and beyond. See Jetschke (2011); Evanty (2011), in particular pp.38-45.

<sup>23</sup> Asplund (2009).

<sup>24</sup> Arifin (2010); Miswanto (2010).

and concrete measures used by educators to address this resistance. Each of these chapters starts with general observations and ends with intermediate conclusions. The paper closes with final conclusions and contributions of this research as well as recommendations on areas for further study in chapter 5.

## **2 Methodology**

### **2.1 Research design**

As this study focuses on resistance to human rights and the efforts of human rights educators to overcome these problems - in both cases qualitative or meaning-related phenomena, I believe qualitative approaches will be the most suitable for such an analysis. My research has consisted in observation and semi-structured interviews with people involved in human rights education in Indonesia. Through my fieldwork in the country, I have looked at the local Indonesian context and paid particular attention to the acts, attitudes and interpretations of local people. My work thus mainly consists in observation, interpretation and analysis of the practice and relevant sources.

While a questionnaire and a more quantitative method has the advantage to make it easier to generalise the findings, it seemed to me rather difficult and inconvenient to use such a survey to measure the manifestations of resistance to human rights and the way it is addressed by educators in human rights education activities. A survey is particularly suitable to explore the knowledge and diffusion of human rights, which is however not the aim of this study. Resistance to human rights and human rights educators' understanding, attitude and solutions to it cannot be satisfactorily measured with figures and short and narrow answers. For instance, participants' perception that human rights is a Western and imposed concept and educators' understanding and reaction to such a claim is hardly possible to quantify and difficult to analyse using a survey. In my view, surveys are thus not adequate for my research as they would only produce a very limited insight into the reality and meaning of this phenomenon. The use of semi-structured interviews allows for more flexibility and reflection and enabled me to have more in depth discussions with interviewees and get to sense their attitude and feelings on the issue.

This research is primarily a single country case study. As my study is about examining a particular social phenomenon, I found the case study to be a good method as it allows for an

in depth investigation of a specific country and issue. While the choice of Indonesia is related to my work experience at *Pusham UII* as explained in chapter 1 and Indonesia is of course not the one and only country that this study could have focused on, this country was found to be a good object of study due to the rather widespread and varied types of resistance to human rights (see section 1.2.3), the importance and prevalence of human rights education activities in the country (see section 1.2.2) and particularities such as the religious and ethnic diversity in the population, the predominance of Islam as the main religion, and the recent political and democratic changes (see section 1.1.3). Due also to time limit, a specific focus on a country with all these elements present, like Indonesia, seemed the most suitable approach.

However, comparisons were also undertaken, as stated in chapter 1. Writings about human rights education and resistance to human rights in other countries are in any case interesting and, in conjunction with my findings from the Indonesian context, they form the basis for these comparisons. In addition to its relevance in better understanding the issue at stake, this comparative work also contributes to some extent to respond to the often stated view that case studies are not suitable for generalisation. Indeed, this additional element in the study allowed me to get to know and understand the issue in other contexts and use this data to critically confront my findings on Indonesia.

## **2.2 Selection and gathering of data**

My investigative work was guided by the following questions: how visible is the problem of resistance to human rights in the work of human rights educators, and how do they address this issue? I had the possibility to work there during three and a half months and used the time to focus on the work of the human rights studies centre *Pusham UII*. However, I complemented the information gathered there collecting data on the work of other persons and organisations involved in human rights education in the country, that is Indonesian governmental institutions, universities, foreign institutions and local actors of the civil society. Finally, academic writings and reports on human rights education in relation to resistance to human rights constituted an important source of information.

The first stage of selecting and gathering data was done prior to my fieldwork in Indonesia and served as a necessary preparation before leaving. It basically consisted in collecting all types of documentation and information about the issue of human rights education and resistance to human rights in Indonesia. Extensive use of the internet, newspapers, books, journal articles and reports, as well as discussions with different persons having lived and/or worked in Indonesia (in particular members of the Norwegian Centre for Human Rights' Indonesia Programme) were undertaken and enabled me to acquire knowledge about Indonesia and the situation and perception of human rights.

The period I spent working at *Pusham UII* in Yogyakarta constitutes another stage of selection and gathering of data. Residing and working now in the country, I was able to complement the basic knowledge I had acquired with my professional and personal experience in Indonesia which made it easier to reflect and redirect my ideas on the type of data needed for my research. I collected relevant data and information on specific types of resistance to human rights and techniques used in human rights education. This was mainly done through observations and participations at various human rights education activities including trainings of judges,<sup>25</sup> workshops, public discussions and university lectures. I paid particular attention to teaching methods, attitudes and interaction between trainers and the audience, and use of material.

This observation period was then followed by a period of around three weeks where I could interview a total of forty-three persons involved in human rights education in twenty-seven different organisations. The interviews lasted between one and two hours each and took place in Yogyakarta and Jakarta. Both cities were convenient for such a project as Yogyakarta is the city where I was working and Jakarta is a big capital hosting or welcoming members of several organisations and institutions dealing with human rights education. The organisations and names of the interviewees were mostly selected in Indonesia through discussions with *Pusham UII*, the NCHR's Indonesia Programme and other persons working in human rights

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<sup>25</sup> Trainings to judges from all over Indonesia, in Lombok and Yogyakarta, May and June 2012, organised by Pusham UII, the Norwegian Centre for Human Rights and the Judicial Commission.

and human rights education. Interviewees are of different age range and include both women and men. The selection covers a wide range of actors involved in human rights education from government officials to international and local NGOs, international organisations and foreign institutions<sup>26</sup> and is thus deemed representative of the human rights education field in Indonesia.

The interviews were semi-structured, with open-ended questions. Although I had prepared pre-determined set of issues<sup>27</sup> and questions and I directed the discussions towards them, the interview guide was still flexible enough to allow me to explore other potentially interesting issues or focus more on some issues than others depending on the organisations and interviewees. Mostly individual interviews were conducted, thus giving the interviewee more freedom and time to express personal reflections and opinions. Some interviews however were done with more than one person, either two or three maximum, as it enabled me to meet persons involved in different relevant programs and activities at the same organisation, thus enriching my knowledge and understanding of the organisation's acts and positions. Another advantage of such "group interviews" is that it allows for a certain synergy to build up and for different ideas and arguments to arise and confront one another.

Finally, a last stage of collection of data took place when I came back from Indonesia. With more time at disposal, I was able to reflect on the specific issues and data I had gathered so far and searched for more detailed theories and techniques used in human rights education which could be useful to address resistance to human rights. I also read material on the issue of resistance to human rights and human rights education in other countries as I decided to complement my work with a comparative analysis between Indonesia and other countries. This led me to some relevant data in the form of books, journal articles and reports. Lastly, I seized the opportunity of living partly in Norway (where I study) and partly in Switzerland (where I come from) to conduct a limited number of interviews and discussions in both

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<sup>26</sup> For a list of persons and organisations interviewed, see Annex no.1. The list also includes four additional Indonesian persons involved in human rights education that I interviewed in Geneva later on.

<sup>27</sup> For a list of pre-determined issues, see Annex no.3.

countries.<sup>28</sup> I was thus able to confront my findings with the ideas and opinions of experts working at different organisations involved in human rights education based in Geneva as well as the NCHR's Indonesia Programme.

### **2.3 Interpretation and quality of the research**

Finally, a few words are needed on the interpretation and the quality of the research. While it is certainly impossible to refer here to every single element that may have influenced this study, I will nevertheless attempt to point to a certain number of important elements that can have played a role on the interpretation and quality of this research and some measures taken to overcome these challenges. In particular, it is reasonable to consider that both the time limit due to my limited stay in Indonesia as well as my Western origin and lack of deep knowledge of Indonesian culture and language when I arrived in the country can potentially limit and influence the results of my study. It is indeed important in every such research work to be aware of the fact that the researcher's characteristics such as personality, origin, position and experience may influence the study and its results to a rather large extent. As this is an issue that arises particularly in relation to the interviews, some clarification as to how this issue was approached in the preparation and undertaking of the interviews is needed.

At an early stage, it was important to have a good preparation before conducting the interviews. In addition to acquiring basic knowledge about Indonesia and the topic of my work, I also prepared the issues and questions beforehand. Once in Indonesia, I tested them in the early stage of my stay, I chose to learn at least some basic Bahasa Indonesia and I translated my questions into Bahasa Indonesia with the help of a professional translator so as to know the terms used in Indonesia. I spent around three months participating in and observing human rights education activities and discussing issues of resistance to human rights with my colleagues and other persons involved in human rights in Indonesia before conducting most of the interviews. This certainly proved useful in order for an "outsider" like me to "enter" the Indonesian culture and context. However, it is important to note that the

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<sup>28</sup> For a list of persons and organisations interviewed, see Annex no.2.



interviews themselves were conducted in English and that, while most of the interviewees spoke rather good English, the level of a few of them was rather poor. This can certainly undermine the quality of such a project and I therefore undertook many efforts during the interviews to make sure that the interviewees and myself understood each other through the help of the translated list of issues and questions and even interpreters when necessary.

The very choice of a qualitative instead of a quantitative method allowed me to introduce myself and my study in a more convenient and personal manner so that interviewees would feel comfortable. Interviewees were informed that the information was to be used for my Master thesis in Norway and none objected to the discussions.<sup>29</sup> This honest and comfortable atmosphere allowed for fruitful and in depth discussions with them, often at their office and thus in a familiar setting. It made them share openly their personal experiences in human rights education and also propose to provide me with data and documentation available at their offices. It is my impression that interviewees felt part of an active exchange of ideas and opinions instead of having been imposed a set of pre-defined and rigid questions and issues. I have not felt any feeling of unease or discomfort and was on the contrary welcomed with often positive and encouraging words towards my research.

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<sup>29</sup> On two occasions however (once in Indonesia and once in Geneva), interviewees expressed some reservation about citations and those discussions are therefore not quoted in the thesis.

## 3 Resistance

### 3.1 General observations

The interviews of educators and my observations show manifestations of resistance in the form of negative views on the general concept of human rights or specific issues such as freedom or religion, conversion, apostasy, abortion, same sex marriage and death penalty, or specific groups like women, children, LGBTs, Ahmadiyya and Shia. Human rights are on some occasions totally rejected and on others only partially, through reference to the universalism and particularism debate and the opinion that there is and should be a particular Indonesian version of human rights. In any case, I have identified three main types of resistance: the perception that human rights is a Western and imposed concept; that human rights is a threat to religion; and that human rights unduly emphasise rights to the detriment of obligations of individuals. The fourth type of resistance mentioned in the hypothesis (the perception that human rights allow activists to enrich themselves with large sums of money allocated to human rights promotion) could not be sufficiently confirmed and the findings and reasons related to it will thus be briefly explained below in section 3.2.4.

Resistance can be said to be rather widespread, as I frequently observed it across a wide sector of audiences. Participants manifesting at least one type of resistance include law enforcement officials, judges, military and police officers, religious leaders, university lecturers and students, and interestingly (although generally to a lesser extent) human rights and student activists. I observed resistance in activities organised by numerous different actors including government or government related units, NGOs, universities and foreign institutions. However, the level of resistance in the audience is often influenced by the selection of the resource person, which will be discussed in more detail in chapter 4 and particularly section 4.6.<sup>30</sup>

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<sup>30</sup> The selection of a resource person exterior to the target group or even from abroad (interview of Roichatul Aswidah from Demos) can sometimes have a negative impact on the audience.

Indonesia is certainly not the only country facing rather widespread resistance to human rights in education training. Interviews conducted in Geneva as well as literature on the subject point to manifestations of resistance in training activities in such diverse places as Bolivia, Ethiopia, Ivory Coast, Burundi, Sudan, Gaza, Armenia and Switzerland. While I will refer in this section to resistance in other countries when relevant, more discussions will be conducted in the conclusion.

## **3.2 Types of resistance to human rights**

### **3.2.1 Human rights as a Western and imposed concept**

While certainly not every person in Indonesia thinks that human rights come from the West and is imposed, it is well known that this perception is widespread among the Indonesian population.<sup>31</sup> This scepticism can be heard in all groups of audiences (to the exclusion perhaps only of human rights activists), although it is not expressed by all to the same extent and seems to be particularly strong among a high number of Islamic religious leaders.<sup>32</sup> One example is the rejection of child rights by a judge of a religious appeal court because “child rights come from the West.”<sup>33</sup> While this may not come as a surprise, it is more surprising to hear that this perception is also widespread among university lecturers, at religious but also secular universities.<sup>34</sup> As an illustration, a scholar at a seminar attended mostly by Islamic law lecturers criticised human rights as encouraging egoism and greed, traits he attributed to the West.<sup>35</sup>

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<sup>31</sup> See for instance Said (2006), pp.6, 8 and 10.

<sup>32</sup> See also Arifin (2010), Said (2006) and Miswanto (2010).

<sup>33</sup> Interview of Sari Murti Widiyastuti (Universitas Atma Jaya).

<sup>34</sup> Interview of Eko Riyadi (Pusham UII), who emphasised that their training sessions for university lectures throughout Indonesia count among Pusham UII's activities where resistance to human rights is the most manifested.

<sup>35</sup> As reported in Asplund (2009), pp.40-41.

These claims are of course related to local values and the idea that negative elements in the West clash with local values, as the latter statement indicates. By those who hold this view, human rights are seen as allowing you to “do whatever you want to do”, as associated to Western society which is seen as “uncivilised” or as clashing with Islam (allowing for example to “move from one religion to another”).<sup>36</sup> This perception of the West is certainly influenced by numerous elements in the culture, religion and history (in particular the long period of colonisation) and is often perpetuated by discourses diffused in the public space and in particular the media.<sup>37</sup> Not surprisingly, the claim by participants that human rights is a Western or foreign concept imposed on local culture or religion is not limited to Indonesia and can be found in many different non-Western settings.<sup>38</sup> However, the fact that Indonesia is a country with a strong Muslim majority surely plays an important role. Indeed, this type of resistance to human rights generally seems to be widespread in many Muslim countries and is reinforced by claims of a double standard exercised by the US and other Western countries.<sup>39</sup>

I also heard frequently this claim about double standards. Indeed, many participants express their frustration at violations of human rights, humanitarian law or international law in general committed by the US, Israel or other Western states and the lack of sanctions, particularly in relation to American interventions in Iraq and Afghanistan. While this is of course often raised by military officers, it is also expressed by other groups and in particular religious leaders. This argument seems to be widespread and I heard it regularly in my education activities both to judges and university students.<sup>40</sup> For instance, a judge from Semarang expressed his scepticism in a human rights training in Yogyakarta, pointing to the extreme unfairness of seeing some countries being “investigated and brought to trial” while no

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<sup>36</sup> Interviews of Usman Surur (Human Rights Directorate), Zakaria Akhmad, Subhi Azhari (Wahid Institute) and Ikhana Indah Barnasaputri (ELSAM). See also Miswanto (2010), p.117; Said (2006), p.6.

<sup>37</sup> See for instance interview of Zakaria Akhmad, and on resistance in Indonesia more generally see Knut (2009), in particular p.29.

<sup>38</sup> See chapter 5 on such resistance in other countries.

<sup>39</sup> See for instance the case of Nigeria in Agberemi (2003).

<sup>40</sup> Interviews; training to judges from all across Indonesia, in May and June 2012 in Lombok and Yogyakarta; discussions and written assignments from students at Universitas Islam Indonesia from April to June 2012.

measures are taken against countries like the US when they commit violations.<sup>41</sup>

### 3.2.2 Human rights as a threat to religion

Often linked to the view that human rights is a Western concept is the perception that human rights, as a whole or specific elements of them, threaten and go against religion, in particular Islam. It is recurrent in education activities targeting numerous segments of the population and particularly religious leaders.<sup>42</sup> Participants often emphasise the incompatibility of human rights with Islam and reject civil liberties, specific issues such as conversion and apostasy, and the rights of some groups like Ahmadiyya, Shia, practitioners of local religions, as well as women and children, and LGBT.<sup>43</sup> Some students rejected outright the application of human rights to religious or Islamic issues and underlined that Islam has its own perspective on human rights, while several judges expressed their strong rejection of Ahmadiyya as a heretical sect. They opposed the discussion claiming that it was not an issue of human rights violations or that human rights were not applicable to this case as their belief was not recognised in Indonesia.<sup>44</sup>

As shown in the literature and confirmed to me in interviews, the manifestation of religious-based resistance in so many different education activities reflects the broad presence of these views in the country.<sup>45</sup> State practice from the executive, legislative or judiciary itself plays an important role in this regard. For instance, even though Law No.1/PNPS/1965 does not state that other religions are prohibited, it has been interpreted in practice as only allowing

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<sup>41</sup> See a similar example in Asplund (2009), p.41. Agberemi (2003) discusses the negative impact of this perception on human rights discourse in in Nigeria and in general.

<sup>42</sup> See also Asplund (2009), p.41 for an example of resistance from a religiously devout public prosecutor. In addition, this type of resistance is very common in Pusham UII's deradicalisation programme targeting radical Muslims (interview of Mohammad Syafi'i and Eko Riyadi).

<sup>43</sup> Interestingly, Novel Matindas (PGI) also mentioned that some Christian religious leaders have very negative views about members of other religions and show resistance to Ahmadiyya and Shia, lacking understanding of their situation and their rights.

<sup>44</sup> Training to Indonesian judges in Yogyakarta, June 2012 and discussions and written assignments from students at Universitas Islam Indonesia from April to July 2012.

<sup>45</sup> See Miswanto (2010); Said (2006); Asplund (2009).

six religions,<sup>46</sup> which helps to explain the latter statement expressed by judges. Certainly part of the reason why religious-based resistance arises is because religion is often crucial to the identity of members of religious communities. Several experts I talked with indeed pointed to the link between identity and resistance and some for instance claimed that “religious issues are about identity” or that some Muslims are resistant to civil and political rights because “it is about their identity”.<sup>47</sup> If we understand and acknowledge that religious-based resistance to human rights is very much related to people's identity, it is not surprising that it is also an issue in human rights education in other countries.<sup>48</sup> However, the problem seems to be particularly recurrent in many Islamic countries, where religious-based objections to human rights are regularly manifested and where the issue of religion and human rights is much debated.<sup>49</sup>

This debate about the compatibility of human rights and Islamic values is still ongoing, not least in Indonesia, as illustrated by the confrontation between the progressive and conservative groups within Muhammadiyah, an important Islamic organisation in Indonesia.<sup>50</sup> Several experts explained to me that there is no contradiction between Islam and human rights, that they share the same values and principles or that the idea of human rights is part of religion.<sup>51</sup> These claims are recurrent in public discourse and interestingly supported by the wording of Law No.39/1999 on human rights which contains several references to God and defines human rights as “rights bestowed by God on human beings”.<sup>52</sup> Participants in education activities I observed expressed points of view similar to those mentioned above.

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<sup>46</sup> Colbran (2010), p.681.

<sup>47</sup> Dr. Makarim Wibisono, training to judges in Lombok, May/June 2012, interviews of Muhammad Latif Fauzi (UII Islamic Studies Center), Knut Asplund (NCHR), Géraldine Puig (State of Geneva) and Edward Flynn (Vivat / GHR).

<sup>48</sup> See chapter 5 on such resistance in other countries.

<sup>49</sup> Interviews of Nazar Abdelgadir (GIHR) and Felix Kirchmeier (FES); Agberemi (2003), p.11; Magnarella (2003), pp.24-25 (on women's rights).

<sup>50</sup> Miswanto (2010). On Islam and freedom of religion or belief in Indonesia, see Suaedy et al. (2010), pp.51-103.

<sup>51</sup> Interviews of Subhi Azhari (Wahid Institute), Ali Akbar Tanjung (HRWG), Usman Surur (Human Rights Directorate). Ismail Hasani (Setara Institute) strongly rejected this view which he qualified as an elite and not a grassroots discourse.

<sup>52</sup> See preamble let. a and b, art.1 para.1, art.2, art.96(4).

Some judges at a training in Lombok claimed that the essence of religion is actually human rights or that the concept of human rights is derived from religion, and another one, when asked about the way judges can take into consideration the respect of human rights in their work, responded that judges need to have principles of justice and that basically human rights follow the same norms of their religion, so judges will take them into account in their decisions. Another illustration is the case of a student who stated that human rights are absolute rights of all people that come purely from God.<sup>53</sup>

These examples seem to show acceptance of the idea of human rights, at least as long as they come from God. However, this acceptance could result from the way human rights are articulated and taught in Indonesia, which actually triggers resistance to human rights. Indeed, according to Knut Asplund, who works for the NCHR and has been involved in human rights education in Indonesia for several years, human rights in Indonesia are often considered part of the religious domain, articulated in an ontological and almost metaphysical way and as such presented as a kind of pseudo-religion or alternative belief system. This has the effect of placing human rights on a par with religion and consequently they become a competitor challenging people's religion. He explains that resistance to human rights could indeed be the result of having placed human rights “within the realm of moral rather than constitutional theory and public administration, and thus unintentionally having repositioned human rights’ promotion from the field of law to that of moral philosophy”.<sup>54</sup> This issue will be further discussed when analysing measures taken by human rights educators in section 4.3.

### 3.2.3 Human rights as unduly emphasising rights to the detriment of obligations of individuals

In contrast to the first two types of resistance, the perceived excessive focus on rights as opposed to obligations of individuals is more difficult to identify clearly in practice and seems to manifest itself explicitly only in particular settings. As direct claims, it can for instance be heard in activities involving religious leaders and take the form of criticism of human rights as

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<sup>53</sup> Training to judges in Lombok, May-June 2012, assignment at Universitas Islam Indonesia.

<sup>54</sup> Asplund (2009), p.45 and interview.

being “too liberal”, giving individual rights and allowing people to “do whatever they want”, or as being in opposition to Islamic principles such as “God's rights” and “individual's obligations towards God”.<sup>55</sup> As illustrated by these examples, this argument is often interlinked with the first two types of resistance, that is the perception of human rights as a Western and imposed concept and as a threat to religion. More concretely, Westerners are seen as individualistic and in opposition to the communitarian nature of Indonesian society, an argument which of course recalls the Asian values debate of the nineties.<sup>56</sup> While the critic of human rights unduly emphasising rights might not be as vocal in trainings to other segments of the population, the idea of placing or focusing more on obligations of individuals seems generally to be present in the minds of the general public as well, and the link between rights and obligations or the need to fulfil one's obligations first in order to have or enjoy one's rights are frequently underlined in education activities.<sup>57</sup>

What these types of claims tend to indicate is the broadly diffused understanding among Indonesians that the state is not the only duty holder and that the community and its members also have human rights obligations.<sup>58</sup> The concepts of human rights obligations of individuals (or groups of individuals) and of human rights violations committed by individuals (or groups of individuals) are strongly enshrined in Law No.39/1999 on human rights. They are often voiced in public debates about human rights and were also expressed in the trainings

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<sup>55</sup> Interviews of Subhi Azhari (Wahid Institute) and Muhammad Latif Fauzi (UII Islamic Studies Center). See Asplund (2009), pp.44-45.

<sup>56</sup> Interviews of Enny Soeprapto, and Usman Surur (Human Rights Directorate). See however Asplund (2009), p.33.

<sup>57</sup> Interviews of Usman Surur (Human Rights Directorate), Nicola Colbran (AusAid, formerly NCHR), Yosep Adi Prasetyo (Komnas HAM), Ikhana Indah Barnasaputri (ELSAM), Hadi Rahmat Purnama (Universitas Indonesia).

<sup>58</sup> Zakaria Akhmad for instance stressed that “we need to explain that the state is not the only duty-bearer, but also the society is duty-bearer” and that “human rights are also the responsibility of the community.”



to judges I participated in.<sup>59</sup> While perceptions such as those are certainly not only found in Indonesia, they are nevertheless in strong opposition to the main principles in international human rights texts of state obligations and human rights violations committed by states, whether by action or omission.<sup>60</sup> Asplund mentions the widespread understanding, even among Indonesian law practitioners, that an act is qualified as a human rights violation due to its graveness and inhumanity instead of the fact that the author is a state actor. As a consequence, he says, “the idea of “state responsibility” has not found much foothold in Indonesia, not even among practitioners of law.”<sup>61</sup> Experts mentioned several elements which could help explain the emphasis on individual obligations (in addition or sometimes to the detriment of state obligations): religion, culture and legislation (which were mentioned already above), as well as power structures and relations between the state and individuals (particularly the fact that “the idea of power is not related to the notion of the social contract”).<sup>62</sup> Interestingly, pragmatic reasons in concrete cases of violations were also raised: for instance limited ways to bring the state to responsibility, mistrust towards the state, and the perception that it might be more successful to blame individuals or companies.

In any case and according to several educators, these perceptions often constitute a challenge to participants’ understanding and acceptance of human rights. Difficulties in understanding the concept of state obligations in education activities targeting for instance university lecturers or students have been reported to me and participants show confusion for example on the identity of state actors and their concrete responsibilities in specific cases of

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<sup>59</sup> Law No.39/1999 on human rights, in particular preamble let. c, art.1 para.2 and 6., and art.67-70, interview of Lexy Rambadeta, trainings to judges in Lombok and Yogyakarta. In addition, Law No.26/2000 on human rights courts gives those courts a mandate to try individuals for genocide or crimes against humanity (which actually are international crimes), further contributing to the perception that individuals are human rights duty holders (e-mail exchange with Aksel Tømte).

<sup>60</sup> There is some mention of individual obligations in the UDHR (see Preamble and art.29) although it is rather weak and the Declaration is non-binding. One could however distinguish of course between legal and moral human rights obligations. See also Knut (2009), p.29, notes 6 and 7.

<sup>61</sup> Asplund (2009), pp.29-30.

<sup>62</sup> See Asplund (2009), p.39.

human rights violations.<sup>63</sup> However, a stronger manifestation of this type of resistance is found in trainings to state officials and particularly to army or police officers. All experts involved in training military or police officers I have met directly referred to resistance from participants in the form of claims that their human rights were also violated when they are attacked by individuals or groups of individuals. Expressing their feeling of frustration and injustice when the media or NGOs criticise only violations committed by the army or the police, they would regularly ask “what about our human rights?”.<sup>64</sup> I have also recorded numerous instances where judges would express their frustration not only at their low salaries and bad working conditions, but also at the media's interference with their work, and they would often qualify this as a human rights violation. These are part of understandings and misconceptions which are found in the Indonesian public in general<sup>65</sup> and seriously undermine the understanding of human rights and state obligations, triggering resistance towards their acceptance.

#### 3.2.4 Human rights as serving the interests of activists enriching themselves

The fourth and last type of resistance to human rights I analysed was the idea that they serve the interests of activists enriching themselves with large sums of money allocated to human rights promotion.<sup>66</sup> Contrary to the other three types of resistance to human rights, I did not hear or observe any manifestation of this type of resistance while in the field in Indonesia. Furthermore, the persons involved in education activities I interviewed in Indonesia never mentioned it. When asked specifically about it, they generally either said they did not know about it or minimised the importance of this issue. While this does not necessarily mean that

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<sup>63</sup> Interviews of Eko Riyadi (Pusham UII), Hadi Rahmat Purnama (Universitas Indonesia), Bhatara Ibnu Reza (Imparsial), Muhammad Latif Fauzi (UII Islamic Studies Center).

<sup>64</sup> Interviews of Fadillah Agus (FRR Law Office), Yosep Adi Prasetyo (Komnas HAM), Monica Tanuhandaru (UNODC, formerly IOM), Guntur Narwaya (Pusham UII), Knut Asplund, Aksel Tømte and Kjetil Fiskaa Alvsåker (NCHR).

<sup>65</sup> These misconceptions were clearly present in the discussions at a workshop on corruption and human rights organised in Yogyakarta in May 2012 and gathering a very diverse range of actors including the state and civil society.

<sup>66</sup> This perception was identified in Said (2006) p.7 and discussed with persons working in human rights in Indonesia before conducting my field research. Aksel Tømte (NCHR) further emphasised the importance of this perception in an e-mail exchange after the field research.

there is no such perception in the Indonesian population or segments of the population,<sup>67</sup> I conclude that it does not seem to constitute what could be considered a main or frequent challenge in human rights education activities in Indonesia and it will therefore not be further discussed in this study.<sup>68</sup>

### **3.3 Intermediate conclusion**

A few points can be made before more in-depth discussion in the paper's conclusion. First, findings so far clearly establish the manifestation of rather widespread resistance by participants and the categorisation into three main types of resistance. Second, resistance is often manifested through feelings based on ideas that are linked to the culture, religion, history or politics and that are present in the public sphere. Third, it is important to seek to understand each of the types of resistance. The claim that human rights is a Western and imposed concept is manifested in many different non-Western countries and is linked to perceptions of foreign and imposed concepts on local values. Perceptions of human rights as threatening religion are based on the identity of members of religious communities who see them as clashing with their religious understandings and obligations. Also, claims that human rights unduly emphasise rights to the detriment of obligations of individuals can be better understood through Asplund's explanation that in Indonesia an act is often qualified as a human rights violation due to its graveness and inhumanity instead of the fact that the author is a state actor and that the concept of "state responsibility" has not found much foothold in the country.<sup>69</sup> Fourth, these different types of resistance of course vary depending on the type of audience and are for instance often stronger among religious leaders. However, they are generally also widespread among other segments of the population and therefore call for the adoption of measures in all education activities, to what we now turn.

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<sup>67</sup> Rafendi Djamin (HRWG and ASEAN Intergovernmental Commission on Human Rights) actually mentioned in his interview this type of perception among some Muslims in Indonesia.

<sup>68</sup> This perception could however be tested in a more narrowly defined study, perhaps focusing on some groups particularly resistant to the work of human rights activists and what they might perceive as hidden or political agendas.

<sup>69</sup> Asplund (2009), pp.29-30.

## **4 Measures to address resistance**

### **4.1 General observations**

Now that we know the types of resistance, we can analyse the measures taken by human rights educators. According to the findings from the interviews, my observations in education activities and the literature, there is a certain, yet limited, awareness of resistance to human rights and some techniques have thus been adopted to counter or limit this resistance. Measures taken by human rights educators will vary depending on factors such as the type of resistance and audience, as well as the educator's activities and perceptions. I have identified five categories of concrete techniques or responses: presenting human rights as an international or national concept depending on the type of audience and resistance; presenting human rights as a legal or religious concept depending on the type of audience and resistance; adopting techniques to explain the concept of state obligations to an audience emphasising the obligations of individuals; adopting techniques to address sensitive issues; and adapting the teaching method to the type of audience and resistance.

### **4.2 The presentation of human rights as an international or national concept**

I will here discuss how educators “domesticate” human rights in order to connect it to the domestic context, by presenting human rights as a local and national concept as opposed to a foreign or international concept. A first interesting finding from the interviews and observations is that the vast majority of human rights educators refer to human rights as both an international and national concept. In their activities to all types of audiences, they indeed regularly refer to international instruments<sup>70</sup>, such as the UDHR, ICCPR, ICESCR, CEDAW, CRC and CAT, as well as domestic instruments, namely the Constitution, Law No.39/1999 on

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<sup>70</sup> The reference to international instruments is of fundamental importance. When human rights were first introduced at Indonesian universities, they were generally perceived as a strictly national and constitutional concept, see Wiratraman (2007), p.90.

human rights, Law No.26/2000 on human rights courts<sup>71</sup> and criminal and civil law legislation. In addition, several sources in the literature and training materials also mention both international and national instruments, thus confirming this first point.<sup>72</sup>

But do educators emphasise more the national concept than the international one and thereby attempt to make the audience more receptive to human rights? Interviews show that educators working in Geneva and in the field generally focus first on the international human rights concept and then the domestic one, but they emphasise on local, national and regional implementation mechanisms before international ones, either to relate more to the local context or make participants feel more comfortable.<sup>73</sup> One can also find in the literature some mention of the importance of “domesticating” human rights and responding to resistance through reference to national concepts and instruments.<sup>74</sup> In Indonesia, while a majority of human rights educators explained they also referred first to the international concept and instruments,<sup>75</sup> experiences are nevertheless disparate. Several experts seem to be of the opinion it could vary depending on the type of audience and topic: some for instance stressed the need to refer primarily to domestic instruments when training judges or military officers, while others seem to make specific reference to international instruments in their education activities related to LGBT rights or freedom of religion.

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<sup>71</sup> As explained in section 3.2.3, Law No.26/2000 on human rights courts is problematic as, despite its title, it actually deals with international crimes rather than human rights.

<sup>72</sup> See for instance Equitas Indonesia and Human Rights Directorate (2009); Directorate General of Corrections and Raoul Wallenberg Institute (2009); Said (2006), p.16.

<sup>73</sup> Educators in Indonesia also relate more to national or local mechanisms rather than international ones, although it seems that reference to implementation mechanisms is generally limited.

<sup>74</sup> See Asia-Pacific Human Rights Information Center (2011), p.9; Plantilla (2012), pp.283-284. However, reference to international texts could also be helpful to deal with resistance, for example emphasising the large number of states around the world that signed or ratified international instruments, used as a technique to strengthen the perception that all human beings are entitled to human rights and thus limit resistance, see Hafer (2012), p.420.

<sup>75</sup> This is naturally the case of non-Indonesians but the fact that Indonesian experts generally also refer first to the international concept is worth underlining.

This specific reference to international instruments in education activities on sensitive issues could be related to differences in the concepts and standards and particularly the stronger protection given by international standards on those issues. Indeed, focusing on the national concept of human rights and more generally referring to two separate human rights concepts (the international and national ones) potentially risks causing resistance to international human rights standards.<sup>76</sup> While the majority of human rights educators do not seem to be fully aware of this major risk, some address these differences between the two concepts and use interesting methods such as comparing both concepts to stress differences or referring first to the international human rights concept and then move to the national one if there is a difference or something missing.<sup>77</sup> In addition, there exist interesting manuals referring to both concepts, yet placing the emphasis first on international human rights standards and recognising the need to discuss contradictions or differences with national standards. A manual for trainings on human rights in prisons for instance clearly states for each issue (such as treatment of prisoners, health care or vulnerable groups) that first there are the “International Laws and Agreements that apply” and “second, there may be national law, policy and procedure” although “it is particularly important to understand where there are any contradictions between national direction, and the information contained in the international materials.”<sup>78</sup>

Concerning the presentation of the concept of human rights, an important question is of course whether it is presented as a Western concept and how much emphasis is placed on Western origins of the concept. In the training activities for judges I observed and participated in, the practice varied very much according to the different resource persons. While some

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<sup>76</sup> In an interview and e-mail exchange, Aksel Tømte (NCHR) explained that the focus on national human rights could lead to resistance to international human rights in the sense that 1) “people find it confusing, due to the national instruments people don’t really understand who the duty holders are” (see sections 3.2.3 and 4.4 on obligations of individuals), and 2) “you believe there are different standards/concepts and reject the international one in favour of the national”.

<sup>77</sup> Aksel Tømte (NCHR) also pointed to the need for the educator to be explicit on these differences to help participants’ understanding.

<sup>78</sup> Directorate General of Corrections and Raoul Wallenberg Institute (2009); see also Equitas Indonesia and Human Rights Directorate (2009).

emphasised the international context and instruments and in particular the inclusive nature of the negotiations leading to the adoption of the UDHR in 1948,<sup>79</sup> others presented human rights through a thorough and detailed explanation of Western history and philosophy or mentioned the dominance of states such as the US in negotiating international instruments.<sup>80</sup> Whether this is fully realised or not by their authors, these types of presentations of human rights risk creating or reinforcing resistance in the audience.

A second question is how educators react to participants' frequent claims that human rights is a Western and imposed concept? Interviews show a certain awareness of this problem and the use of several arguments to counter those claims, the two main ones being: the participation of several non-Western countries in the negotiations of the UDHR, in particular Muslim countries, sometimes even using videos explaining those negotiations; religion and religious texts and values which are presented as supporting human rights, such as the Medina Charter, the Cairo Declaration and examples of the life of the Prophet Mohammed.<sup>81</sup> In addition, other elements were advanced although less frequently, namely: the Indonesian Constitution containing human rights; historical events showing struggles such as the fight for independence or the 1998 riots; examples of present human rights violations in Indonesia (for instance violations of child rights, women's rights and land rights) and to some extent elsewhere; and international law and conventions which show agreements between most states and which have been ratified by Indonesia.<sup>82</sup>

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<sup>79</sup> For instance presentation of Yosep Adi Prasetyo (Komnas HAM) in Lombok, May-June 2012.

<sup>80</sup> For instance presentations of Prof. Soetandyo Wignyosoebroto and Irianto Subiakto on the same occasion.

<sup>81</sup> It is interesting to note that these religious-based arguments are used in education activities targeting different types of groups, and not only religious leaders. Concerning the Cairo Declaration, it is worth mentioning that Bhataru Ibnu Reza (Imparsial) mentioned the difficulties due to this text's "own understanding". While listing several rights and freedoms, the text indeed subjects them to the Sharia (art.24) and restricts in particular freedom of religion, freedom of expression and women's rights.

<sup>82</sup> Nazar Abdelgadir (GIHR) also mentioned the participation of non-Western countries in the negotiation of the UDHR (in particular Arab and Muslim countries) and religious arguments (emphasising the plurality in Islam and in the different Muslim countries). Interestingly, the participation of non-Western states in negotiations of international conventions was emphasised both by Nazar Abdelgadir (mentioning Arab countries) and Eko Riyadi of Pusham UII (mentioning Indonesia).

Lastly, and linked to the presentation of human rights as a Western concept, claims of double standard exercised by the US and other Western countries in relation to human rights can also impact on the perception of human rights as a foreign or national concept. Western countries seem to be often present in the debates, educators referring to them sometimes as examples of good practice<sup>83</sup> but also frequently as examples of human rights violations or abuses. An expert for instance said she would give examples of Guantanamo and Abu Ghraib to counter the general idea that the US is a champion in human rights and explain that there are problems elsewhere and not only in Indonesia.<sup>84</sup> What I also observed in education activities I participated in are some ideas about Western countries that are either negative or (at least partially) wrong perceptions.<sup>85</sup> In my view, these types of statements and examples can clearly influence the negative perception of human rights in the audience, in particular in the Indonesian setting. Similarly, non-Indonesians who participate in education activities in Indonesia should also exercise caution when speaking to a local audience, and all the more so when mentioning examples of human rights violations in Western countries<sup>86</sup> or in

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<sup>83</sup> Presentations by Suparman Marzuki (Judicial Commission) and Artidjo Alkostar (Indonesian Supreme Court) in trainings to judges in Lombok and Yogyakarta.

<sup>84</sup> Interview of Roichatul Aswidah (Demos). Interestingly, a guide for human rights educators on women's rights in Muslim communities addresses the issue of abortion through reference to the difficulties which arise in Muslim but also Western countries, *Equitas Indonesia and Human Rights Directorate* (2009), p.38.

<sup>85</sup> These include critics of European law as overly focused on rationality and not justice, as well as statements that, in the West, judges have also power to make laws, and that in the US you can even have same sex marriage.

<sup>86</sup> Some experts with whom I discussed the issue of examples of human rights violations in the West raised by non-Indonesians expressed the risk that this could increase resistance through reinforcing claims of double standard or critics on the utility of human rights. However, some educators mentioned that violations of human rights by Western countries will anyway be raised by the audience and that having educators raising those issues can help to make the audience realise that human rights violations also occur elsewhere and to get closer to participants rather than keeping distance. Some suggested selecting carefully the examples, focusing on serious and relevant issues, explaining clearly the aim of each example, focusing on victims and not international relations, and being careful not to give the impression of giving lessons.



Indonesia.<sup>87</sup> Now what is clear is that claims of double standards are already regularly voiced by participants of education activities in Indonesia, as shown in section 3.2.1.

While educators' reaction to those claims are crucial to decrease or at least limit resistance, they generally speaking do not seem to have adopted adequate tools to deal with them. When faced with such claims at trainings to judges I attended, some resource persons answered to some claims and not others while other resource persons did not answer at all. Regarding the example I brought up in section 3.2.1, when a judge from Semarang expressed his scepticism in a human rights training in Yogyakarta, pointing to the extreme unfairness of seeing some countries being investigated and brought to trial while no measures are taken against countries like the US when they commit violations, the resource person generally acknowledged the claims saying they were true and did not give any clear counter-argument or alternative reasoning.<sup>88</sup> Educators thus risk showing support to such claims of double standards and thereby reinforcing resistance. When asked about what they would respond if such a claim would arise in the education activity, very few educators came up with clear answers to this issue,<sup>89</sup> which strongly risks confirming or reinforcing participants' negative views on the concept of human rights. Some however mentioned trials and sanctions at national level, criticisms by the UN (for instance pointing out that "few, if any, countries have received as much official criticism from the UN system as Israel", which is often new to the audience) or human rights activists (including Western ones), as well as general explanations about politics.

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<sup>87</sup> Kjetil Fiskaa Alvsåker (NCHR) had an interesting approach in the trainings to judges in Lombok and Yogyakarta, exercising caution when mentioning violations in Indonesia but also explaining that as a human rights lawyer he is very critical to human rights violations, whether in Indonesia or elsewhere.

<sup>88</sup> Kjetil Fiskaa Alvsåker (NCHR) actually answered later that, while the US and Israel have not ratified the Rome Statute and that international instruments are not always perfect, these countries have prosecuted and punished authors of crimes such as in Abu Ghraib, and added that the fact that a country commits violations is not an excuse for us to commit violations ourselves.

<sup>89</sup> Interviews with Windi Arini (FRR Law Office), Muhammad Latif Fauzi (UII Islamic Studies Center), Yosep Adi Prasetyo, Yuli Asmini and Kurniasari Novita Dewi (Komnas HAM), Knut Asplund, and Aksel Tømte (NCHR). Interestingly, Seynabou Benga (OMCT) said she emphasises the fact that the system is not perfect but also the need to see what it can bring us and used in Senegal a concrete example that the Senegalese audience would know (the quest of Chadian victims to bring former President Hissène Habré to justice).

### 4.3 The presentation of human rights as a legal or religious concept

Religion plays a particularly important role in the lives of most Indonesians and findings in section 3.2.2 have shown the recurrence of religious-based resistance to human rights in education activities. So do experts frame human rights as a legal or religious concept to respond and adapt to resistance? The first interesting finding is that presenting human rights as a legal concept or as a religious concept seem both to be common in education activities, and combining both approaches in a single education activity was mentioned in half of the cases (particularly through explanations of both international and national legal texts and religious texts such as the Koran).<sup>90</sup> While the Indonesian educational experience generally does not exclude law, the frequent links made between human rights and religion or presentations of human rights as rooted in religion are in strong opposition with international documents and educational writings which tend to focus much on law and leave religion aside.<sup>91</sup> Interviews conducted with human rights educators working in Geneva and abroad confirm that they generally present human rights as a legal concept and not a religious one.<sup>92</sup> Furthermore, a second important finding is that the presentation of human rights in Indonesian education activities clearly depends on the type of participants and their perspectives as well as the aim of the education activity. This was expressed by a vast majority of educators in Indonesia and is naturally also the case in education activities elsewhere, as mentioned by several Geneva-

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<sup>90</sup> Reference to religious texts such as the Medina Charter, the Cairo Declaration and examples of the life of the Prophet Mohammed were already mentioned in section 4.2. Other disciplines that were explicitly raised, although much less frequently, were culture and then philosophy. While philosophy is sometimes addressed for instance at university and trainings to judges, some experts stated explicitly they exclude or limit reference to it to avoid difficulties or disagreements, and Aksel Tømte (NCHR) also underlined that it makes it much more demanding for the educator.

<sup>91</sup> Bowie (2011), in particular p.219. The UDHR for instance mentions “inherent dignity”, which can certainly be interpreted as accommodating religious justifications of human rights, but lacks any specific reference to God or religious foundations of human rights. It is here important to recall Asplund's observations that human rights in Indonesia are often considered as part of the religious domain, Asplund (2009).

<sup>92</sup> Several however said that they sometimes mention religion and local values.

based experts. Typically, Indonesian educators will generally adopt a religious approach to human rights when conducting education activities for religious groups and particularly religious leaders (Islamic but also Christian),<sup>93</sup> while the presentation of human rights to judges or military officers will focus on legal concepts and refer to international and national legal texts.<sup>94</sup>

However, the presentation of human rights as part of the religious domain is not found exclusively in education activities targeting religious leaders and communities and is actually much more widespread. As illustrated in activities conducted by government officials, techniques such as linking human rights and religion and explaining that human rights are rooted in religion are frequently used to better reach participants and explain human rights to them.<sup>95</sup> The use of religion and religious texts to transmit knowledge and understanding of human rights has been reported to me by numerous experts conducting education activities to a wide range of different audiences.<sup>96</sup> In order to overcome resistance to human rights education for public and private schools, national authorities for instance engaged with religious leaders in the development and training related to the human rights curriculum, which resulted in the inclusion of Islamic terminology and values.<sup>97</sup> Grounding human rights into local religions, philosophies or cultures and linking them together is of course done in

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<sup>93</sup> For instance interviews of Subhi Azhari (Wahid Institute), Ikhana Indah Barnasaputri (ELSAM) and Novel Matindas (PGI), and confirmed in many other interviews. It is interesting to note that the term “human rights” would actually not be mentioned at first and sometimes not at all to particularly resistant groups, see for instance interviews of Eko Riyadi and Mohammad Syafi’i (Pusham UII) on radical Muslims, and Ikhana Indah Barnasaputri (ELSAM) on members of Islamic boarding schools. Other examples of education activities including a religious approach can be found for example in Muhammadiyah schools and at Islamic universities such as the University of Muhammadiyah Yogyakarta, see respectively Miswanto (2010) and Wiratraman (2007).

<sup>94</sup> Interviews of Windi Arini and Fadillah Agus (FRR Law Office), Prof. Enny Soeprapto, confirmed in several other interviews and in my observations at trainings to judges.

<sup>95</sup> Interview of Usman Surur (Human Rights Directorate).

<sup>96</sup> I also recorded several instances where resource persons made reference to religion to justify human rights norms and values in trainings to judges in Lombok and Yogyakarta.

<sup>97</sup> Said (2006). It is interesting to compare the Indonesian experience with citizenship education in England, which is based on law and tends to exclude religious or philosophical elements, see Bowie (2011), pp.81-83.

numerous other countries and settings than in Indonesia and is often recommended to articulate and teach human rights.<sup>98</sup> In the Indonesian context however, Asplund has voiced the concern that situating human rights within the moral or religious domain rather than law may actually create resistance to human rights, as explained in section 3.2.2.<sup>99</sup> I have come across some claims in education activities which according to me can be problematic. In one example, a human rights educator told me that “basically Indonesians don't have difficulties to follow human rights because we already do it in our daily life” and that he often mentions in education activities that “if you're learning your religion very well and you're already doing what religion says, then you've already done what human rights says.” Similarly and as stated in section 3.2.2, a judge in a human rights training, when asked about the way judges can take into consideration the respect of human rights in their work, responded that judges need to have principles of justice and that basically human rights follow the same norms of their religion, so judges will take them into account in their decisions.<sup>100</sup> Both the human rights educator's statement and the lack of reaction to the judge's claims in the training to judges most probably come from the way human rights are presented in the Indonesian setting and seem to me overly simplistic and not capable of critically assess the existence of human rights violations in concrete cases.

While framing human rights as a religious concept can potentially help reach the audience, it is in my view key to address differences between human rights and religious texts or interpretations which arise in concrete cases.<sup>101</sup> Some of the experts interviewed expressed their disagreement with some issues and pointed to the need to bring up alternative religious

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<sup>98</sup> See Vo Van Ai (2011); Cardinal Philippe Barbarin (2011), p.33; Plantilla (2012) who mentions numerous other examples and proposes different approaches for human rights education recognising the link between human rights and culture, including religion.

<sup>99</sup> Asplund (2009). Some Indonesian and Geneva-based experts have expressed their support for the legal approach and raised objections to the religious approach, while the latter approach is argued for in Bowie (2011) and Plantilla (2012).

<sup>100</sup> Training to judges in Lombok, May-June 2012.

<sup>101</sup> Edward Flynn (Vivat / GHR) and Géraldine Puig (State of Geneva) also mentioned the importance to address issues where there are differences between human rights and religion.

interpretations and make participants reflect on their perspectives.<sup>102</sup> While differences between human rights and religious interpretations seem to be addressed on some occasions, this is clearly not regularly the case. In the interviews, several human rights educators stated that they would not raise at all certain sensitive issues (which are often due to religious perspectives) such as abortion, apostasy, conversion and LGBTs or address religious-based resistance to human rights in education activities. Although rarely an easy task, the way human rights educators address sensitive issues in education activities is crucial in order to deal with resistance to human rights and will be discussed in more detail in section 4.5. Here, it is interesting to note that, in trainings to judges I have attended, judges that would either manifest their opposition to rights of religious minorities (for instance calling Ahmadiyya a heresy and strongly supporting the Ministerial Decree banning this group) or on the contrary express their objection to regulations limiting these rights (such as the Joint Ministerial Decree on Houses of Worship) would rarely receive any specific and elaborate answer and sometimes no answer at all.<sup>103</sup> Some manuals and publications actually provide good examples of how differences between human rights and religious texts or interpretations can be addressed and alternative interpretations be developed, for example in relation to women's rights or death penalty.<sup>104</sup> To sum up, the question of framing human rights as a legal or religious approach is fundamental if resistance is to be addressed in education activities. In any case, human rights education should be action-oriented and emphasise the application of the knowledge received.<sup>105</sup> Of course the approach will vary depending on the type of aim and audience,<sup>106</sup> but a crucial element in human rights education is understanding state obligations and rights of individuals, which brings us to next group of measures by educators.

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<sup>102</sup> They would for instance mention that there is plurality of opinions and no one side of Islam or that there exist many different interpretations of the Koran and Sharia law, for instance interviews of Roichatul Aswidah (Demos), Yuli Asmini and Kurniasari Novita Dewi (Komnas HAM), as well as Nazar Abdelgadir (GIHR) in Geneva.

<sup>103</sup> Muhammadiyah schools is another example where sensitive issues have been set aside, although this was seen as unavoidable to a successful introduction of human rights education in this particularly resistant setting, see Miswanto (2010), in particular p.118.

<sup>104</sup> Equitas Indonesia and Human Rights Directorate (2009); Imparsial (2010).

<sup>105</sup> Asia-Pacific Human Rights Information Center (2011), p.11.

<sup>106</sup> Idem, p.11.

#### 4.4 Individual obligations and state obligations

Considering participants' emphasis on obligations of individuals as well as their problems of perceptions and understanding of the concepts of rights of individuals and state obligations, a third type of measures has to do with the way educators present and explain human rights obligations. First, how do educators address the concepts of rights and obligations? I have recorded several instances of educators underlining the fundamental link between rights and obligations. They for example state that there exist not only rights but also obligations, that a balance between rights and obligations is fundamental, or even that there is an excessive focus on rights to the detriment of obligations.<sup>107</sup> These claims are often representative of perceptions in Indonesia and other countries, as illustrated by principles on human rights education in Asia-Pacific which stress the need to affirm responsibilities and not only rights and freedoms and "promote the well-being of the human person as an individual and as a member of the community."<sup>108</sup> Problems arise however when participants reject human rights as being too individualistic or too liberal. Some educators have nevertheless found interesting techniques to address this, such as stressing the importance of the individual aspect in addition to the community, the relationship between the state and individuals, the existence of limits to the rights and freedoms of individuals (for instance when the human rights of others are at stake) and the distinction between derogable and non-derogable rights.<sup>109</sup>

Second, and as explained in section 3.2.3, the perception that individuals have human rights obligations and can thus also commit human rights violations is frequently voiced by

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<sup>107</sup> Interviews for instance of Usman Surur (Human Rights Directorate), Hadi Rahmat Purnama (Universitas Indonesia), and trainings to judges in Lombok and Yogyakarta, May and June 2012.

<sup>108</sup> Final Document of the Conference-Workshop on Asia-Pacific Human Rights Education for Development (1995), principles 7 and 8. On discussions of rights and obligations in human rights education, see UN (2004), pp.21-22; Plantilla (2012), pp.266-267; Yamaguchi Ringdal (2010).

<sup>109</sup> Interviews of Prof. Enny Soeprapto, Subhi Azhari (Wahid Institute) and Muhammad Latif Fauzi (UII Islamic Studies Center).

participants, including legal professionals. This is a particularity of the Indonesian legal concept of human rights which is found in Law No.39/1999 on human rights and is in strong opposition to the main principles in international human rights texts of state obligations and human rights violations committed by states.<sup>110</sup> In trainings to judges I participated in, what was striking was not only that resource persons faced with such claims from participants usually did not provide specific clarification, but that they sometimes did not even react or on a few occasions even expressed those claims themselves and thus perpetuated the perception that individuals have human rights obligations and can commit human rights violations. While most experts I interviewed seemed to be aware of the difference between the international and the Indonesian concept, some others actually did not seem to understand the difference and the resulting difficulties for participants to understand and embrace the concept of human rights. I have however observed some resource persons addressing this problem. Either right away in their presentations or after feeling participants' confusion, they have indeed clearly pointed to the difference between the international and Indonesian concepts and clarified that the state is the duty bearer and that human rights violations are committed by the state.<sup>111</sup> It is indeed crucial in human rights education to make it clear that individuals enjoy human rights towards the state which has the obligation to respect, protect and fulfil those rights. Educators sometimes need to emphasise how individuals can raise their rights against the state or remind the state of its obligation to protect individuals.<sup>112</sup>

As underlined in section 3.2.3, there are also recurrent difficulties for participants to understand the concept of state obligations. I was informed of some interesting techniques used when university lecturers or students show signs of confusion. Examples include asking participants whether they have met the state and explaining to them that when they for instance see a police officer in the street it is actually a member of the state apparatus, or asking participants whether they are responsible if for instance their neighbour died of hunger

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<sup>110</sup> See section 3.2.3.

<sup>111</sup> Eko Riyadi (Pusham UII), Prof. Enny Soeprapto, Kjetil Fiskaa Alvsåker (NCHR) at a workshop on corruption and human rights in Yogyakarta, May 2012, and trainings to judges in Lombok and Yogyakarta.

<sup>112</sup> In his interview, Subhi Azhari (Wahid Institute) for instance explained that, when teaching, it was crucial to explain how members of religious minorities can report cases of violations to the police and state authorities.

or got kidnapped, which prompts a negative answer from participants who then understand that the state is responsible as it is the state and not the individuals that have human rights obligations.<sup>113</sup> As discussed in section 3.2.3, a particular type of resistance is found in trainings to state officials and particularly to army or police officers. When faced with claims from participants that their human rights are violated when attacked by individuals, educators have mentioned numerous measures to explain to them that these are criminal offences and not human rights violations, while if they attack individuals then it is indeed a human rights violation. They usually use examples, cases or role-plays emphasising for instance the power, authority, tools and symbols (such as weapons or uniforms) they have as members of the state apparatus or more generally the contractual relationship between state officials and the people and the responsibility of the state to protect members of the society. In trainings to judges, the latter are also regularly reminded of their role and responsibility as state agents exercising state power,<sup>114</sup> although I have recorded several instances where resources persons were not able to bring much clarity to judges' confusion on the existence of human rights violations in specific cases, thus risking to undermine their understanding and acceptance of human rights.

## **4.5 Sensitive issues**

Addressing participants' negative views on issues such as freedom of religion, conversion, apostasy, abortion, same sex marriage and death penalty, or on specific groups of people like women, children, LGBTs, Ahmadiyya and Shia is also important to tackle resistance. First, do educators raise these sensitive issues and include them in the programme and in the discussions? This clearly is not regularly the case as several experts confirmed to me that some issues such as freedom of religion, abortion, apostasy, conversion or LGBT are avoided and not part of the programme at all. Some said that they never raise those issues to resistant religious groups as it is particularly difficult, although there are examples of educators who do

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<sup>113</sup> Interviews of Eko Riyadi (Pusham UII) and Bhatara Ibnu Reza (Imparsial). Geneva-based expert Selim Neffah (CODAP) also mentioned using techniques to explain the concept of state obligations, for instance emphasising on the fact that it is the state that ratified human rights conventions.

<sup>114</sup> For instance Prof. Soetandyo Wignyosoebroto and Kjetil Fiskaa Alvsåker (NCHR).



raise them in these settings.<sup>115</sup> In addition, sensitive issues are more regularly raised in education activities targeting human rights activists, students or lecturers than law enforcement officers,<sup>116</sup> and there also exists certain thematic education activities, for instance on women and children's rights.<sup>117</sup> In trainings to judges I attended, sensitive issues were not formally part of the programme but controversial issues related to Ahmadiyya, women and LGBTs were nonetheless raised by some educators in the discussions.<sup>118</sup> Lastly, discussions show that there are educators in Indonesia that themselves show resistance to sensitive issues or to human rights in general or that believe that there aren't really problems regarding freedom of religion for instance. This is a serious concern as these educators will not be able to address resistance adequately and will most probably reinforce it.<sup>119</sup>

Second, what if participants raise sensitive issues or express negative views towards certain groups or certain issues? Educators' reactions or responses are not always convincing as illustrated in trainings to judges I have attended, where judges that would either manifest

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<sup>115</sup> Interviews of Eko Riyadi and Mohammad Syafi'i (Pusham UII), Muhammad Latif Fauzi (UII Islamic Studies Center). Miswanto (2010) represents an example where sensitive issues have been set aside, although this was seen as unavoidable to a successful introduction of human rights education in this particularly resistant setting, see in particular p.118. On the contrary, Equitas Indonesia and Human Rights Directorate (2009) addresses sensitive issues related to women's rights in particularly resistant Muslim contexts.

<sup>116</sup> Interviews of Ikhana Indah Barnasaputri (ELSAM), Papang Hidayat (KontraS), Lexy Rambadeta, Sigit Widiarto (Universitas Atma Jaya), Eko Riyadi (Pusham UII). Some however said they raise sensitive issues like LGBTs to police officers, and Directorate General of Corrections and Raoul Wallenberg Institute (2009) is an example of a manual for respect of human rights by prison officers which raises issues involving vulnerable groups such as women, children and religious minorities, pp.45-48.

<sup>117</sup> Interviews of Usman Surur (Human Rights Directorate), Sari Murti Widiyastuti (Universitas Atma Jaya). Although not always the case, several Geneva-based experts said they raise sensitive issues related to LGBT, women and migrants, see interviews of Seynabou Benga (OMCT), Selim Neffah (CODAP), Géraldine Puig (State of Geneva).

<sup>118</sup> Eko Riyadi (Pusham UII), Yosep Adi Prasetyo (Komnas HAM), Dr. Makarim Wibisono and Kjetil Fiskaa Alvsåker (NCHR).

<sup>119</sup> Interviews of Usman Surur (Human Rights Directorate), Ali Akbar Tanjung and Rizka Argadianti Rachmah (HRWG), Nicola Colbran (AusAid, formerly NCHR), Roichatul Aswidah (Demos), Yosep Adi Prasetyo (Komnas HAM), Zakaria Akhmad.

their opposition to rights of religious minorities (for instance calling Ahmadiyya a heresy and strongly supporting the Ministerial Decree banning this group) or on the contrary express their objection to regulations limiting these rights (such as the Joint Ministerial Decree on Houses of Worship) would rarely receive any specific and elaborate answer and sometimes no answer at all. Nevertheless, some educators reported interesting measures to me: place participants in the situation of victims (asking for instance “what if your family was the victim?”); stress that we are all human beings and brothers and that minorities are vulnerable and need to be protected by the majority (in particular regarding religious minorities such as Ahmadiyya or Shia, also children); inform participants on difficulties faced by victims (for instance through data and statistics on crimes against LGBTs) and point to the negative consequences of legislation, court decisions or practice on the lives of victims; refer to the Constitution or domestic texts (for example on the protection of the internal aspect of freedom of religion); refer to religion and religious texts (for example mentioning that “only the Creator can decide on life and death” as an argument against death penalty).<sup>120</sup> In addition, several experts stressed the importance to let participants express their views and debate, some adding that this should be the case as long as it is constructive, while some said it is preferable to bring up cases rather than focusing on discussions about philosophical or religious interpretations.<sup>121</sup> Reacting to questions from participants about freedom of religion and religious minorities, a resource person for instance underlined the importance of discussing sensitive issues as “otherwise something will erupt some other time” and added that this should be done “without being too emotional.”<sup>122</sup>

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<sup>120</sup> Interviews of several educators and trainings to judges in Lombok and Yogyakarta. Aksel Tømte (NCHR) stressed the importance of the focus on victims’ interests and witnesses in order to counter resistance.

<sup>121</sup> Interviews of Muhammad Latif Fauzi (UII Islamic Studies Center), Ikhana Indah Barnasaputri (ELSAM), Sigit Widiarto (Universitas Atma Jaya), Aksel Tømte (NCHR).

<sup>122</sup> Dr. Makarim Wibisono, training to judges in Lombok, May/June 2012. Some Geneva-based experts also mentioned the importance not only to react to such negative views but also to seek to provoke participants holding such views. It is interesting to note also that the UN recommends school teachers to strongly react to discriminatory behaviour from children and never dismiss racial conflicts, UN, pp.33, 72.

In some instances, educators' reaction to negative views has been to adapt the programme and include a specific focus on the issue in the next training.<sup>123</sup> This brings us to a third and last question: how do educators raise and include sensitive issues in the programme and in the discussions? I recorded numerous different measures, namely: group discussions (for instance asking participants' opinion on specific minorities or letting them talk about their experiences<sup>124</sup>), case studies (for instance on Ahmadiyya or LGBTs), role-plays (for example blindfold participants to make them understand how blind people feel, separate the group between Ahmadiyya and others and ask why some shouldn't be able to practice their religion)<sup>125</sup>, practical exercises (meetings and sometimes interviews of minorities such as indigenous peoples, homeless people, transvestites, visits to mosques or cathedrals)<sup>126</sup>, use of videos and screening of films (for example on LGBTs, homeless people, attacks on Ahmadiyya), participation of members of minorities (LGBTs, Ahmadiyya, persons with disabilities), and use of experts as resource persons on specific issues (in particular Muslim clerics or scholars promoting human rights)<sup>127</sup>. Lastly, some educators underlined the

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<sup>123</sup> For instance interview of Papang Hidayat (KontraS) regarding LGBTs.

<sup>124</sup> Some Geneva-based experts also emphasised the importance of sharing experiences and the benefit from having or choosing a varied audience including members of minorities, interviews of Seynabou Benga (OMCT), Yves Lador, see also UN (2004), p.34 on the importance for school teachers to celebrate ethnic diversity in the class.

<sup>125</sup> Exercises where people are made to think as if behind a “veil of ignorance” were unfortunately not mentioned, despite the utility of such exercises to increase participants’ support for lower status individuals, see Hafer (2012) p.420. Kjetil Fiskaa Alvsåker (NCHR). however referred to John Rawls’ “original position” when addressing questions about universality at the end of the training to judges in Lombok, May/June 2012.

<sup>126</sup> See also Directorate General of Corrections and Raoul Wallenberg Institute (2009) pp.45-48 for an exercise on vulnerable groups. In Geneva, Géraldine Puig organises specific workshops at school to address human rights and sensitive issues, such as meetings with migrants or theatre plays on LGBT issues, interview of Géraldine Puig (State of Geneva).

<sup>127</sup> Some stressed the need to invite persons with authority. Knut Asplund and Aksel Tømte (NCHR) also underlined that it is important for non-Muslims to state that they lack the authority to talk about theology or sharia, and some Geneva-based experts pointed to the benefit of having a trainer who knows or is close to the audience and its context, interviews of Seynabou Benga (OMCT) and Yves Lador. Other points mentioned were the need for preparation and knowledge about the country and traditions, interviews of Knut Asplund (NCHR), Nazar Abdelgadir (GIHR).

importance of follow-up (for instance include participants in educators' network, invite them to other meetings, continue discussions, send them documentation, or show them the same video a second time to see the difference).

## 4.6 Teaching method

These measures point to the fundamental importance of the teaching method in human rights education. A participatory approach is crucial and calls for efforts to engage participants. Educators I met are well aware that the teaching method depends very much on the type of audience and aim of the education activity. For instance, trainings to military or police officers are generally based on a more practical approach, using for instance field simulations or practical cases, than education activities for university lecturers or students. The type of language and arguments presented reflect indeed the different needs and concerns of participants in the different activities. Military and police officers are often told what they can or cannot do to act according to human rights, while other audiences such as students or religious leaders are for instance brought to reflect on the general concepts and the human rights situation in the country or develop empathy for victims.<sup>128</sup> In any case and as shown in the section above, participatory methods are necessary.<sup>129</sup> While numerous educators use group discussions, case studies or role-plays, participatory methods do not seem to be sufficiently used for example at university or in trainings to judges, which fails to recognise

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<sup>128</sup> Interviews for instance of Windi Arini and Fadillah Agus (FRR Law Office), Yosep Adi Prasetyo (Komnas HAM), Aksel Tømte (NCHR), Guntur Narwaya (Pusham UII), Papang Hidayat (KontraS), Novel Matindas (PGI), Muhammad Latif Fauzi (UII Islamic Studies Center). Interestingly, Aksel Tømte (NCHR) explained in an e-mail exchange that in the past the military's human rights education was "of low practical relevance".

<sup>129</sup> See UN (2004) pp.21, 25-29 for the importance and different elements of a participatory method at school. See also Miswanto (2010) pp.103-105 for the example of a textbook which shows the benefit of a participatory method for school children's understanding and acceptance of human rights. As mentioned in the section above, Géraldine Puig also uses extensively the participatory method in Geneva schools.

how a more participatory approach is crucial for the understanding and acceptance of human rights.<sup>130</sup>

Furthermore, it is important to adapt the structure and format of education activities to the type of resistance manifested. Educators are often aware of this, as specific group discussions or exercises are designed to address different types or levels of resistance in the audience (for instance in education activities targeting military officers or university lecturers)<sup>131</sup> or particular caution is exercised depending on the type of resistance (for instance concerning the placement and clothing of female trainers in education activities targeting particularly resistant Muslim audiences).<sup>132</sup> Due to resistance to some issues, educators sometimes exercise special caution regarding either the publicity of an education activity (for example education activities on religious minorities or LGBTs) or the name of the activity or a particular component in the programme (for instance speaking of “human rights and Islam” and not “human rights versus Islam”).<sup>133</sup> These efforts show educators’ awareness of the importance to know the risks that resistance to human rights may have on the effectiveness of their work, as illustrated by the interesting practice in one education activity to submit “pre-tests” and “after-tests” to evaluate participants’ level of knowledge and acceptance of human rights.<sup>134</sup> Moreover, educators generally seem aware of the fact that resolving problems of

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<sup>130</sup> In addition to several interviews, for instance Prof. Enny Soeprapto, Hadi Rahmat Purnama and Heru Susetyo (Universitas Indonesia), Zakaria Akhmad, and observations at trainings to judges, see Wiratraman, p.92.

<sup>131</sup> Interviews of Windi Arini and Fadillah Agus (FRR Law Office), Yosep Adi Prasetyo (Komnas HAM), Eko Riyadi (Pusham UII).

<sup>132</sup> Interviews of Ikhana Indah Barnasaputri (ELSAM), Yuli Asmini and Kurniasari Novita Dewi (Komnas HAM). Nazar Abdelgadir (GIHR) also mentioned the importance of adapting the dress code to the local context and using local or religious expressions.

<sup>133</sup> Interviews of Yuli Asmini and Kurniasari Novita Dewi (Komnas HAM), Ismail Hasani (Setara Institute). Even the term “human rights” would sometimes be avoided, for instance by the National Commission on Violence Against Women when addressing discriminatory local regulations with regional legislatures (e-mail exchange with Aksel Tømte (NCHR). See other examples in section 4.3. This technique is also used in other countries of course, for instance in Algeria and the Pacific islands, interview of a Geneva-based expert and Choules (2011), pp.19-20.

<sup>134</sup> Interview of Eko Riyadi (Pusham UII).

resistance require more continuous effort than just a session of one or two hours and some emphasised the importance of follow up, as stated in the section above.<sup>135</sup>

The selection of resource persons is another element that is crucial when it comes to addressing resistance, as touched upon in the section above, and educators often include resource persons that are members of the target group, such as military officers for trainings to military forces, judges for trainings to members of the judiciary, religious leaders for religious groups, or academics for university lecturers. The emphasis is often placed on the need of a resource person who knows and is close to the needs of the audience and is seen as showing authority and integrity as this is crucial for its acceptance by the audience.<sup>136</sup> The conduct of the education activity and the way resistance will be dealt with depends very much on the resource person. However, it does not necessarily mean that this person knows how to address resistance or does not itself express resistance during the education activity. Generally, once the resource person has been identified, there does not seem to be a specific preparation to those issues before or during education activities. Very few educators indeed seem to take specific measures to make sure that resource persons adequately address resistance from participants or that they do not themselves express negative views about human rights. Some however mentioned that they would always be present in the room so as to react to manifestations of resistance, while others stated that they carry out internal training for staff members and evaluate their resistance.<sup>137</sup>

Lastly, the material used for education activities needs special mention. As sections above show, educators use different types of material depending on the audience, the aim of

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<sup>135</sup> Interestingly, Nazar Abdelgadir (GICHR) mentioned the use of drama and sketch which is easier to attend than several days of training.

<sup>136</sup> Interviews of Ikhana Indah Barnasaputri (ELSAM), Yuli Asmini and Kurniasari Novita Dewi (Komnas HAM), Ismail Hasani and Kiky Hutami (Setara), Muhammad Latif Fauzi (UII Islamic Studies Center) and observations in trainings to judges. Moreover, the importance for foreign educators to get to know and understand the local context and habits was also underlined, for instance interviews of Knut Asplund (NCHR), Yves Lador, Selim Neffah (CODAP).

<sup>137</sup> For instance Yuli Asmini and Kurniasari Novita Dewi (Komnas HAM). See also UN (2004) which recommends school teachers also to recognise and overcome their own discriminatory attitudes.

the education activity as well as type of resistance. Educators thus vary the use of material such as international and/or national legal sources, religious texts, academic writings or more practical manuals. Some educators explained adapting the material they use according to the types of participants (for instance military or police officers) or the local contexts in which participants work (for example in Papua).<sup>138</sup> Moreover, numerous educators mentioned using videos or films, while the Internet was hardly ever cited, even though it could provide participants with many different types of sources including UN and national data that can be used to address resistance. The use of written sources such as books, manuals or articles are more frequent, although several educators recognise that the lack of material in Indonesian language is often a challenge in their efforts to explain and diffuse human rights knowledge and understanding.<sup>139</sup> Unfortunately, there seems to exist very few manuals or writings dealing with resistance in education activities, although some educators stated they were developing material on specific types of resistance.<sup>140</sup>

#### **4.7 Intermediate conclusion**

The analysis in this chapter shows that educators generally take some measures to address resistance. These often depend on the type of audience and resistance, the most typical example being particular efforts to adapt to religious groups and religious-based resistance to human rights, mainly through reference to religious texts and principles. The five categories of measures could generally be confirmed but these measures are not fully and systematically applied. The presentation of human rights, in particular focusing on the national concept of human rights as separate from the international one as well as framing human rights as a religious concept, actually risks causing resistance, a challenge educators are not always aware of. Furthermore, several educators have adopted interesting techniques to address certain types

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<sup>138</sup> Interviews of Windi Arini and Fadillah Agus (FRR Law Office), Yosep Adi Prasetyo (Komnas HAM), Ikhana Indah Barnasaputri (ELSAM).

<sup>139</sup> Interview for example of Ikhana Indah Barnasaputri (ELSAM).

<sup>140</sup> Interviews of Papang Hidayat (KontraS), Eko Riyadi (Pusham UII). It is possible that my basic level of Indonesian language limited my search for such material. However, when I asked educators for existing material in Indonesian or English, they were rarely able to point to any sources.

of resistance, although some concrete manifestations of resistance have not been addressed with specific measures and responses. Some educators even show resistance themselves, in particular to some sensitive issues, which risks confirming participants' negative views. In addition, there is not always awareness of the impact that educators' words, attitudes and choices can have on acceptance of human rights by the audience. Measures depend much on the many actors and individuals involved in education activities, and thus vary to a great extent even for the same type of audience or resistance. It is important here to refer to the local culture and in particular the fact that many Indonesians would often avoid directly criticising or correcting people, particularly if they do not enjoy a position of seniority.<sup>141</sup> Some educators have thus addressed resistance or responded to participants' negative views indirectly, in a cautious and respectful manner, or at a later stage. However, the present chapter has established several instances where educators did not address resistance or respond to such views at all, which is a cause for serious concern.

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<sup>141</sup> Interview and e-mail exchange with Aksel Tømte (NCHR).



## 5 Conclusion

The study's findings allow me to draw a certain number of conclusions. First, resistance is rather widespread in education activities and is of varying nature and origin. Second, the categorisation into the following three main types of resistance was confirmed: the perception that human rights is a Western and imposed concept; that they represent a threat to people's religion; and that they unduly emphasise rights to the detriment of obligations of individuals. The negative view of human rights as allowing human rights activists to enrich themselves with large sums of money allocated to human rights promotion lacked sufficient evidence and could therefore not be confirmed. Third, there is a certain, yet limited, awareness of the three main types of resistance among human rights educators and some techniques have been adopted to counter or limit them. Measures taken by human rights educators vary depending on factors such as the type of resistance and audience, as well as the educator's activities and perceptions. Fourth, I have identified five categories of concrete techniques or responses: presenting human rights as an international or national concept depending on the type of audience and resistance; presenting human rights as a legal or religious concept depending on the type of audience and resistance; adopting techniques to explain the concept of state obligations to an audience emphasising the obligations of individuals; adopting techniques to address sensitive issues; and adapting the teaching method to the type of audience and resistance. And fifth, while certain interesting techniques have been identified, measures are generally not fully and systematically applied, several educators have not taken steps to address concrete manifestations of resistance and some even show resistance themselves and risk perpetuating it in the audience.

The importance of this research thus lies in the comprehensive picture it draws of what the main types of manifestations are and how educators deal with resistance in Indonesia. Numbers of educators I interviewed directly underlined the necessity of this study and asked to receive the results. Several manifested their intention to use it for the teaching or the development of modules. Some also expressed their regret that the issue of resistance in education was never discussed and that no one had undertaken such a study so far. As far as I know, there had indeed been no specific research on human rights teaching in a context of

resistance to human rights, such as in Indonesia. Specific literature on resistance to human rights and on resistance and human rights education is unfortunately very rare. Some authors have addressed the problem of resistance to human rights in Indonesia or other countries and a few have pointed to the need to address it in human rights education in general. However, they have not gone further and looked at concrete manifestations of resistance in the audience and how educators deal with them. The present study has explored educators' practice in that regard and I believe it can fill this gap and complement the existing literature and theories on resistance to human rights and human rights education.<sup>142</sup>

This gap in the literature shows that measures to address resistance in human rights education activities have not been thoroughly investigated in other countries neither. Educators working in Geneva and in the field confirmed that resistance is indeed manifested by participants in other countries too and takes the form of negative perceptions of: groups of the population such as LGBTs, migrants, Roma and women, or issues like death penalty and sexual orientation;<sup>143</sup> or human rights as being against local culture, tradition or religion<sup>144</sup>, being a Western and foreign imposed concept,<sup>145</sup> or focusing excessively on rights rather than obligations of individuals.<sup>146</sup> Interestingly, some of them explained that, when faced with resistance, they often faced similar difficulties than the ones I mentioned from Indonesia. Several stressed the importance of such a study and the need to reflect on those issues and some also asked to be provided with the findings so as to use them and adapt their work. I believe that, while the present study is primarily relevant in Indonesia, it can nevertheless

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<sup>142</sup> For instance Valen-Sendstad (2010), Plantilla (2012), Asplund (2009); Arifin (2010); Wiratraman (2007); Said (2006); Asia-Pacific Human Rights Information Center (2011); Choules (2011).

<sup>143</sup> Interviews of Nazar Abdelgadir (GIHR) on the Gulf countries, Seynabou Benga (OMCT) on Ivory Coast, Géraldine Puig (State of Geneva) on Switzerland; Zacharassien (2012), pp.36, 42 on Bolivia and Ethiopia.

<sup>144</sup> Interviews of Seynabou Benga (OMCT), Géraldine Puig (State of Geneva), UN (2004), p.24, Bowie (2011), p.37. On religious-based resistance, see Choules (2011), pp.15-19 on the Pacific Islands; interview of Géraldine Puig on Switzerland; Valen-Sendstad (2010), p.248 and Bowie (2011), p.82.

<sup>145</sup> Interview of Nazar Abdelgadir (GICHR) on Sudan and Gaza; Choules (2011), p.19 on Pacific islands such as Tonga and Vanuatu; Asia-Pacific Human Rights Information Center (2011), pp.9-10; Bowie (2011), pp.37-82; Magnarella (2003), pp.24-25.

<sup>146</sup> Interview of Nazar Abdelgadir (GIHR); Yamaguchi Ringdal (2010).

contribute to understanding and investigating how resistance is addressed in other countries. Additionally, such studies could prove valuable to draw comparisons and confront the present Indonesian findings. The human rights community could indeed learn from sharing experiences and establishing good practices not only at national but also international level.

Moreover, some elements that were raised by experts when explaining resistance deserve to be mentioned here and could be the subjects of further analysis in future studies. First, several experts mentioned that participants' resistance can result from poor knowledge, misunderstandings as well as frustration about the effectiveness of human rights and the UN system. Some participants with no or little knowledge were more resistant than others who had more knowledge.<sup>147</sup> The aim of education activities is to transmit this knowledge and understanding but it is not that easy in practice and some educators even perpetuate these misunderstandings and misconceptions. While this research has examined some aspects of knowledge and understanding, a complementary and more detailed study of the link between resistance and knowledge, understanding and frustration about human rights and the UN could help analyse more comprehensively participant's manifestations of resistance and educators' measures to address them. Second, another problem raised by experts is participants' lack of or little interest in human rights as a whole or specific issues. Some participants do not reject those issues outright but express their lack of attachment and concern for instance for LGBTs, migrants or indigenous peoples and their struggles. An analysis of resistance and this lack of interest and concern could also be undertaken in future studies. And third, some international experts raised the issue of seeing resistance being manifested by persons holding powerful positions in the society, community or family and feeling threatened by human rights.<sup>148</sup> A thorough understanding of the link between resistance and power could therefore also be beneficial to human rights education efforts.

The scope of the present research is limited to investigating concrete manifestations of resistance by participants and responses by educators in Indonesia and other related aspects were thus left aside and could be further studied. First, an evaluation of the success of

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<sup>147</sup> Interviews in Indonesia and Geneva; Choules (2011), p. 18; Plantilla (2012), pp.253, 292.

<sup>148</sup> See also Kymlicka (1998), pp.228-229.

educators' measures could be undertaken through measuring participants' level of resistance before and after education activities. Using for example tests, questionnaires and interviews for such a thorough evaluation of participants could also improve the detection and identification of their resistance, in particular regarding resistant participants who keep silent and do not manifest their resistance openly in education activities. Second, investigating and analysing in more detail theoretical aspects of resistance and their origins would allow for a more thorough understanding of participants' resistance as well as conceptions which influence educators' opinions and measures. Lastly, resistance and measures to address it could also be analysed in other settings than education activities themselves. This would be useful to understand how resistance is a challenge in human rights discussions, initiatives and projects for instance in parliaments, ministries or other decision-making settings. This could include an analysis of resistance to the enactment of legislation or the introduction of measures and programmes such as human rights education and an investigation of measures to address such resistance.<sup>149</sup>

To conclude, resistance to human rights needs to be understood and addressed as it constitutes perhaps the most challenging obstacle to the realisation of human rights.<sup>150</sup> Manifestations of resistance such as those found in Indonesia seriously undermine the understanding and acceptance of human rights and educators need to develop measures to address them adequately. This study has hopefully shown the importance of such measures and pointed to the risks if resistance is not addressed or even perpetuated by educators. This calls for more consideration and reflection on these issues by scholars and human rights educators, including international, national and local actors. It is a vast field of study which has so far been neglected and should be favoured and encouraged. We need to recognise that human rights are not self-evident and understand why they are resisted and how to favour their acceptance.<sup>151</sup> Efforts for instance to analyse the use of psychological research in developing techniques to diminish resistance in human rights education activities are laudable and could

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<sup>149</sup>See for instance Miswanto (2010) on resistance to the introduction of human rights education in Muhammadiyah schools and techniques to address it and convince resistant actors.

<sup>150</sup> See Plantilla (2012).

<sup>151</sup> Bowie (2011), in particular p.247.

be extended to other fields of research.<sup>152</sup> When faced with resistance, human rights professionals, and particularly human rights educators who transmit human rights knowledge and values, need to be able to explain, defend and justify human rights,<sup>153</sup> if we are really serious about promotion and diffusion of human rights in Indonesia and elsewhere.

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<sup>152</sup> Hafer (2012) uses psychological research on the concept of «deservingness» to advocate for measures in human rights education to promote the understanding that «all human beings deserve a common set of protections and resources» and diminish «the focus on deservingness in the realm of human rights».

<sup>153</sup> See O'Flaherty and Ulrich (2010), p.13. The authors discuss some fundamental needs of human rights field officers, including the importance of knowledge of the domestic human rights system and cultural sensitivity.

## Table of reference

### Treaties/Statutes

#### National level

Constitution of the Republic of Indonesia, 1945

Joint Ministerial Decree on Houses of Worship, 2006

Joint Ministerial Decree on Ahmadiyya, 2008

Law No.1/PNPS/1965 on the prevention of religious abuse and/or defamation

Law No.26/2000 on human rights courts

Law No.39/1999 on human rights

National Plan of Action on Human Rights 2011-2014

#### International level

Cairo Declaration on Human Rights in Islam (Adopted at the Nineteenth Islamic Conference of Foreign Ministers, 31 July to 5 August 1990)

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, CAT (Adopted and opened for signature, ratification and accession by General Assembly resolution 39/46 of 10 December 1984)

Convention on the Elimination of All Forms of Discrimination Against Women, CEDAW (Adopted and opened for signature and ratification by General Assembly resolution 34/180 of 18 December 1979)

Convention on the Elimination of All Forms of Racial Discrimination, CERD (Adopted and opened for signature and ratification by General Assembly resolution 2106 (XX) of 21 December 1965)

Convention on the Rights of Persons with Disabilities, CRPD (Adopted and opened for signature, ratification and accession by General Assembly resolution 61/106 of 13 December 2006)

Convention on the Rights of the Child, CRC (Adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989)

Declaration on Human Rights Education and Training (Adopted by General Assembly resolution 66/137 of 19 December 2011)

International Covenant on Civil and Political Rights, ICCPR (Adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966)

International Covenant on Economic, Social and Cultural Rights, ICESCR (Adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966)

Universal Declaration of Human Rights, UDHR (Adopted by the General Assembly on 10 December 1948)

### Secondary Literature

Agberemi, Hameed, *Overcoming Obstacles to the Articulation of Human Rights in Islamizing Societies within the Global Context of American Power and International Islamist Jihad*, Emory University, 2003

Arifin, Syamsul, *Attitudes to Human Rights and Freedom of Religion or Belief in Indonesia: Voices of Islamic Religious Leaders in East Java*, ed. by Nelly van Doorn-Harder, Tore Lindholm and Nicola Colbran, Penerbit Kanisius, 2010

Asia-Pacific Human Rights Information Center, Introduction, in: *Human Rights Education in Asia-Pacific Vol. 2*, Asia-Pacific Human Rights Information Center, pp. 8-11, 2011

Asia-Pacific Human Rights Information Center, *Human Rights Education in the School Systems in Southeast Asia: Cambodia, Indonesia, Lao PDR and Thailand*, Asia-Pacific Human Rights Information Center, 2009

Asplund, Knut D., Resistance to Human Rights in Indonesia: Asian Values and Beyond, in: *Asia-Pacific Journal on Human Rights and the Law Vol. 10 No. 1*, pp. 27-47, 2009

Barbarin, Philippe (Cardinal), John Paul II, a Catalyst for Change, in: *The Promotion of Human Rights and John Paul II*, The Permanent Mission of the Holy See, The Permanent Mission of the Republic of Poland to the United Nations in Geneva, The Polish Catholic Mission in Switzerland, Libreria Editrice Vaticana, 2011

Bourchier, David and Hadiz, Vedi R. (ed.), *Indonesian Politics and Society: A Reader*, RoutledgeCurzon, 2003

Bowie, Robert A., *The primacy of dignity and human rights education*, thesis for the degree of doctor of philosophy, University of Kent, 2011

- Choules, Kathryn, Human Rights Education: A Tool for Social Change in the Pacific, in: *Human Rights Education in Asia-Pacific Vol. 2*, Asia-Pacific Human Rights Information Center, pp. 13-22, 2011
- Colbran, Nicola, Realities and challenges in realising freedom of religion or belief in Indonesia, in: *The International Journal of Human Rights*, Vol. 14, Issue 5, pp. 678-704, 2010
- Eldridge, Philip, Human Rights in Post-Suharto Indonesia, in: *Brown Journal of World Affairs*, Vol. 9, Issue 1, pp. 127-139, 2002
- Evanty, Nukila, *Indonesia Human Rights and the International Human Rights Regime: Research Project*, LAP LAMBERT Academic Publishing, 2011
- Hafer, Carolyn L., The Psychology of Deservingness and Acceptance of Human Rights, in: *Justice and Conflicts*, ed. by Elisabeth Kals and Jürgen Maes, Springer-Verlag Berlin Heidelberg, pp. 407-427, 2012
- Human Rights Watch, *Human Rights in Indonesia and East Timor: An Asia Watch Report*, the Asia Watch Committee, 1989
- Jetschke, Anja, *Human Rights and State Security: Indonesia and the Philippines*, University of Pennsylvania Press, 2011
- Juwana, Hikmahanto, Special Report - Assessing Indonesia's Human Rights Practice in the Post-Soeharto Era 1998-2003, in: *Singapore Journal of International & Comparative Law*, Vol. 7, Issue 2, pp. 644-677, 2003
- Kymlicka, Will, Human Rights and Ethnocultural Justice, in: *Review of Constitutional Studies Vol. IV No. 2*, pp. 213-237, 1998
- Magnarella, Paul J., Questioning the Universality of Human Rights, A review of Universal Human Rights? edited by Robert G. Patman. New York: St. Martin's Press, 2000. 244pp., and Dealing with Human Rights: Asian and Western Views on the Value of Human Rights edited by Martha Meijer. Bloomfield, CT: Kumarian Press, 2001. 183pp., and The Philosophy of Human Rights by Patrick Hayden. St. Paul: Paragon House, 2001. 686pp, in: *Human rights and Human Welfare*, Vol. 3, Issue 1, Winter 2003, Center on Rights Development, 2003
- Miswanto, Agus, Human Rights Education in Indonesia: The Muhammadiyah Schools Experience, in: *Human Rights Education in Asia-Pacific Vol. 3*, Asia-Pacific Human Rights Information Center, pp. 91-124, 2010
- O'Flaherty, Michael and Ulrich, George, The Professionalization of Human Rights Field Work, in: *Journal of Human Rights Practice Vol. 2 No. 1*, pp. 1-27, 2010



Plantilla, Jefferson R., Teaching Human Rights: The Culture Issue, in: *Human Rights Education in Asia-Pacific Vol. 3*, Asia-Pacific Human Rights Information Center, 2012

Said, Mahadi, *Human Rights Advocacy Utilizing Religious Perspectives and Opinion Leaders: Promoting National Human Rights Education in Indonesia*, Center for Victims of Torture, 2006

Suaedy, Ahmad, Rumadi, Azhari, M. Subhi, and Fata, Badrus Samsul (ed.), *Islam, the Constitution, and Human Rights: The Problematics of Religious Freedom in Indonesia*, The Wahid Institute, 2010

Valen-Sendstad, Ådne, *Theories of human rights in relation to understandings of human rights education: the relevance to diversity*, thesis, University of Birmingham, 2010

Vo Van Ai, Universality and Particularity of Human Rights: A Vietnamese Buddhist Viewpoint, in: *Human Rights in Southeast Asia Series 1 – Breaking the Silence*, ed. by Azmi Sharom, Sriprapha Petcharamesree and Yanuar Sumarlan, Southeast Asian Human Rights Studies Network, 2011

Wiratraman, R. Herlambang Perdana, The Dynamics of Human Rights Education in Indonesian Law Schools, in: *Human Rights Education in Asian Schools Vol. 10*, Asia-Pacific Human Rights Information Center, pp. 89-95, 2007

Yamaguchi Ringdal, Yuko, *How is the consciousness of human rights among Japanese children formed in the context of Japanese philosophy and education?*, University of Oslo, 2010

Zacharassien, Heidi Holt, *Learning gender mainstreaming through practice – DIGNI's Women Empowerment and Gender Equality programme (WEGE)*, Digni, 2012

## Others

Directorate General of Corrections, Ministry of Law and Human Rights, Republic of Indonesia, and Raoul Wallenberg Institute of Human Rights and Humanitarian Law, *Instructors' Manual for Trainings on Human Rights in Prisons*, 2009

Equitas Indonesia and Human Rights Directorate, Ministry of Law and Human Rights, Republic of Indonesia, *Women's rights in Muslim communities: A resource guide for human rights educators*, Equitas, 2009

*Final Document of the Conference-Workshop on Asia-Pacific Human Rights Education for Development*, [http://www.hurights.or.jp/archives/other\\_documents/section1/1995/03/final-document-of-the-conference-workshop-on-asia-pacific-human-rights-education-for-development.html](http://www.hurights.or.jp/archives/other_documents/section1/1995/03/final-document-of-the-conference-workshop-on-asia-pacific-human-rights-education-for-development.html), 1995

Imparsial, *Inveighing Against Death Penalty in Indonesia*, Imparsial, 2010

Indonesia, *National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21*, Human Rights Council Working Group on the Universal Periodic Report, Thirteenth Session, Doc. A/HRC/WG.6/13/IDN/1, 7 March 2012, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G12/116/38/PDF/G1211638.pdf?OpenElement>, 2012

Koran (or Quran)

Medina Charter (Charter of Medina or Constitution of Medina)

Office of the High Commissioner for Human Rights, *Compilation prepared in accordance with Paragraph 15(B) of the Annex to Human Rights Council Resolution 5/1 – Indonesia*, Human Rights Council Working Group on the Universal Periodic Report, Thirteenth Session, Doc. A/HRC/WG.6/13/IDN/2, 12 March 2012, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G12/119/37/PDF/G1211937.pdf?OpenElement>, 2012

United Nations, *Teaching Human Rights: practical activities for primary and secondary schools*, United Nations, 2004

## Annexes

Annex no. 1: Interviews of experts working in Indonesia (conducted in Jakarta and Yogyakarta from April to July 2012) NB: organisations and positions/units at the time of the interview

Interview	Organisation	Name		Position / Unit
1	KontraS	1	Papang Hidayat	Head of Bureau for Research and Development
2	Norwegian Centre for Human Rights (NCHR)	2	Kjetil Fiskaa Alvsåker	Legal Advisor, Indonesia Programme
3	FRR Law Office	3 4 5	Fadillah Agus Windi Arini Farhat Muhammad Adibrata	Partner Legal staff member Legal staff member
4		6	Enny Soeprapto	Professor, former commissioner of Komnas HAM (the National Human Rights Commission) and UNHCR (Office of the United Nations High Commissioner for Refugees) in Geneva
5		7	Zakaria Akhmad	Student in Universitas Islam Indonesia's human rights class, involved in human rights activities at high school
6	KontraS  Protection International	1  8	Papang Hidayat  Teguh P Nugroho	Head of Bureau for Research and Development
7	Human Rights	9	Ali Akbar	UN Program Manager

	Working Group (HRWG)	10	Tanjung Rizka Argadiantri Rachmah	UN Program Assistant
8	PGI Persekutuan Gereja-Gereja di Indonesia (Communion of Churches in Indonesia)	11 12	Novel Matindas Jeirry Sumampow	Head of Bureau for Papua Executive Secretary of Diaconia
9	Human Rights Directorate, Ministry of Law and Human Rights	13	Usman Surur	Dissemination Programme
10	Raoul Wallenberg Institute	14 15	Indah Amaritasari Liiklai Felfina	Programme Officer Programme Associate
11		16	Nicola Colbran	Law and Justice Program, Australian Aid, former legal adviser of the Norwegian Centre for Human Rights' Indonesia Programme
12	Swiss Embassy	17	Georg Stein	1 <sup>st</sup> Secretary
13	Perkumpulan Demos – Center for Democracy and Human Rights	18	Roichatul Aswidah	Deputy of Research, former head of human rights education at Komnas HAM (the National Human Rights Commission)

	Studies			
14	Equitas Indonesia	19	Antonio Pradjasto Hardojo	Director Equitas Indonesia, former Executive Director at Demos, former Chairperson of the Bureau of Research and Study at Komnas HAM (the National Human Rights Commission)
		20	Nining Nurhaya	Alumni Equitas Indonesia, Business Development Manager at Asuransi Allianz Life Indonesia, former member of KontraS
15	Wahid Institute	21	Subhi Azhari	Monitoring and Advocacy Head
16	Arus Pelangi	22	Dodo (Widodo Budi Darmo)	Secretary General
		23	Dave Blue	Information staff member (Infodok)
		24	Vida (Widayati Semito)	Staff member
17	Imparsial	25	Bhatara Ibnu Reza	Operational Director
18	Komnas HAM (the National Human Rights Commission)	26	Yosep Adi Prasetyo	Deputy Chairman
		27	Yuli Asmini	Educator, Public Relations and Campaign Unit
		28	Kurniasari Novita Dewi	Educator
19	ELSAM (Institute of Policy Research and Advocacy)	29	Ikhana Indah Barnasaputri	Programme Officer, Training Specialist, Legal Advocacy Programme
20	Universitas	30	Heru Susetyo	Professor, Law Faculty

	Indonesia, Jakarta	31	Hadi Rahmat Purnama	Professor, Law Faculty
21		32	Monica Tanuhandaru	National Project Coordinator, Anti-Corruption, UNODC (United Nations Office on Drugs and Crime), former staff member at IOM (International Organization for Migration)
22	Setara Institute for Democracy and Peace	33 34	Ismail Hasani Kiky Hutami	Researcher, Program Manager Researcher, International Affairs Division
23		35	Lexy Rambadeta	Independent video journalist / documentary filmmaker – human rights stories, founder of Offstream
24	Pusham UII (Center for Human Rights Studies of the Islamic University of Indonesia)	36 37 38	Eko Riyadi Guntur Narwaya Mohammad Syafi'i	Director Staff member Field staff member, Cooperation and Communication Between Agencies
25	Universitas Atma Jaya	39 40 41	Gregorius Sri Nurhartanto Sigit Widiarto Dr. Sari Murti Widiyastuti	Professor, Pusham (Center for Human Rights Studies) Universitas Atma Jaya Professor, Law Faculty, human rights law lecturer Dean of Law Faculty, former head of Lembaga Perlindungan Anak/LPA (Child Protection Institution) Yogyakarta
26	UII Islamic Studies Center at the	42	Muhammad Latif Fauzi	Researcher

	Islamic University of Indonesia			
27		43	Soetandyo Wignyosoebroto	Retired, Professor at Airlangga University in Surabaya, law, sociology, human rights, former member of Komnas HAM (the National Human Rights Commission)

Interview of experts working in Indonesia (conducted in Geneva in March 2013) NB:  
organisations and positions/units at the time of the interview

28	Human Rights Working Group (HRWG)	44	Rafendi Djamin	Executive Director, Human Rights Working Group (Indonesia); Indonesian Representative for the ASEAN Intergovernmental Commission on Human Rights
		45	M. Choirul Anam	Deputy Director, Human Rights Working Group (Indonesia)
	Arus Pelangi	46	Yuli Rustinawati	Chairperson, Arus Pelangi
	GAYa Nusantara	47	Rafael Hendrikus da Costa	GAYa Nusantara

Annex no. 2: Interviews of experts based in Geneva and Oslo (conducted from January to April 2013) NB: organisations and positions/units at the time of the interview

Interview	Organisation	Name		Position / Unit
1	Norwegian Centre for Human Rights (NCHR)	1	Knut D. Asplund	Programme Director, Indonesia Programme
2	Norwegian Centre for Human Rights (NCHR)	2	Aksel Tømte	Principal Executive Officer, Indonesia Programme
3	Geneva Institute for Human Rights (GIHR)	3	Nazar Abdelgadir	Executive Director
4		4	Edward Girardet	Former Director of Media 21
		5	Daniel Wermus	Former Director of Media 21
5	Vivat / Geneva for Human Rights (GHR)	6	Edward Flynn	Representative in Geneva, Vivat Trainer at Geneva for Human Rights – Global Training
6	HURIDOCS (Human Rights Information and Documentation Systems)	7	Daniel D'Esposito	Executive Director
		8	Bert Verstappen	Senior Documentalist
		9	Manushak Aslanyan	Specialist, Human Rights Department, Women for Development (currently interning at HURIDOCS)
7	OMCT – World Organisation	10	Seynabou Benga	Human Rights Advisor; former staff member at the Norwegian Centre for Human Rights (NCHR)



	Against Torture			
8	CODAP - Centre de conseils et d'appui pour les jeunes en matière de droits de l'homme	11	Selim Neffah	National Coordinator, CODAP (Youth Resource Center on Human Rights)
9	State of Geneva	12	Géraldine Puig	Project Manager, Citizenship and Human Rights Education Programme, Direction générale de l'enseignement secondaire postobligatoire (Directorate general for post-compulsory secondary education)
10		13	Yves Lador	Consultant (International Human Rights and Environment Organisations)
11	Friedrich Ebert Stiftung	14	Felix Kirchmeier	Senior Programme Officer, Human Rights and Development
12	World Federation of UN Associations	15	Wiebke Harms	Human Rights Education Officer

Annex no. 3: issues covered in the interviews:

- 1) Existence, manifestation and origins of resistance to human rights in your work
- 2) Presentation of human rights in the teaching
  - Human rights as an international / domestic concept
  - Human rights as embedded in law, religion, philosophy
- 3) Presentation and explanation of state and individual obligations
- 4) Addressing sensitive issues in the teaching
- 5) Teaching method
- 6) Additional issues and challenges